

Friday, 27 February 1948

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST  
Court House of the Tribunal  
War Ministry Building  
Tokyo, Japan

The Tribunal met, pursuant to adjournment,  
at 0930.

Appearances:

For the Tribunal, all Members sitting, with  
the exception of: HONORABLE JUSTICE LORD PATRICK,  
Member from the United Kingdom of Great Britain and  
HONORABLE JUSTICE E. STUART McDOUGALL, Member from the  
Dominion of Canada, not sitting from 0930 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese and Japanese  
to English interpretation was made by the  
Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present  
4 except UMEZU who is represented by counsel. The  
5 Sugamo Prison Surgeon certifies that he is ill and  
6 unable to attend the trial today. The certificate  
7 will be recorded and filed.

8 With the Tribunal's permission, the accused  
9 KAYA will be absent from the courtroom the entire  
10 day conferring with his counsel; and the accused  
11 TOGO will be absent the whole of the morning session  
12 conferring with his counsel.

13 Mr. Tavenner.

14 MR. TAVENNER: If it please the Tribunal:

15 B. OSHIMA Performed an Important Func-  
16 tion in Securing the Unity of the Government  
17 and Nation Behind the Tri-Partite Pact.

18 QQ-63. By May 1940 Germany had demonstrated  
19 her military power by overrunning the low countries in  
20 Europe and internal preparations of a military and  
21 economic character in Japan had been increased so that  
22 the time was ripe for the conspirators to renew their  
23 efforts in bringing Japan into open opposition to the  
24 democracies through a Tri-Partite alliance, the con-  
25 clusion of which was a necessary part of their

1 criminal plans. The method by which the conspirators  
2 brought Japan formally and completely into the Axis  
3 partnership in crime is fully presented in the sum-  
4 mation.<sup>a</sup> When the YONAI Cabinet was succeeded by the  
5 Second KONOYE Cabinet, both OSHIMA and SHIRATORI,  
6 exponents of the military alliance, by press inter-  
7 views, approved MATSUOKA's appointment as Foreign  
8 Minister which presaged new developments in behalf  
9 of the alliance.<sup>b</sup>

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QQ-63. a. Summation, F-127-47  
b. Ex. 536, T. 6,262

1                   QQ-64. Prior to the conclusion of the  
2 pact, there were occasions when OSHIMA and SHIRATORI  
3 discussed the subject of the alliance. OSHIMA denied  
4 that any concrete measures for its adoption were con-  
5 sidered in these discussions.<sup>a</sup> When Stahmer, the  
6 special envoy of Ribbentrop, arrived in Japan during  
7 the early part of September, he first visited OSHIMA.  
8 OSHIMA testified that on this occasion he told Stah-  
9 mer he was in no position to be concerned with the  
10 proposed alliance and advised him to see MATSUOKA.<sup>b</sup>  
11 During the course of the negotiations which followed,  
12 OSHIMA on one occasion was the sole guest of Stahmer  
13 at the German Embassy, at which time Stahmer asked  
14 his advice regarding a point in the negotiations on  
15 which he and MATSUOKA disagreed. OSHIMA, in his  
16 testimony, alleged that he told Stahmer he was in no  
17 position to give him any assistance and merely sug-  
18 gested that he should see MATSUOKA about it.<sup>c</sup> In  
19 the light of Stahmer's telegram of 23 February 1940  
20 and all of the other evidence concerning OSHIMA, in-  
21 cluding his frequent denials of established facts, it  
22 is only reasonable to believe that his participation  
23 in the negotiations for the pact, the culmination of

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25 QQ-64. a. T. 34,169  
          b. T. 34,170  
          c. T. 34,171-3

1 all his efforts and work, was greater than he was  
2 willing to admit. OSHIMA's services in the achieve-  
3 ment of German-Japanese cooperation, whether in the  
4 important preliminary steps or in the actual conclu-  
5 sion of the treaty, were acknowledged by Hitler in  
6 conferring upon him the award of the Grand Cross of  
7 the Order of Merit of the German Eagle in gold.

8 QQ-65. Opposition in Japan to the Tri-  
9 Partite Pact was such that an Imperial Rescript was  
10 used for the purpose of uniting the people behind it.<sup>a</sup>  
11 Nothing could have been of greater importance to the  
12 conspirators than the unification of the Japanese  
13 Government and the people behind this pact. No one  
14 was in a better position to effectively speak on this  
15 subject than OSHIMA, the protagonist of a strong  
16 military alliance who saw eye to eye with Hitler and  
17 Ribbentrop and who had previously emphasized to the  
18 Japanese people by his timely article published in  
19 January 1940 the German power of diplomacy when backed  
20 by a strong army and perfect command over the whole  
21 nation under it. For the second time, OSHIMA resorted  
22 to the press, this time to solidify the Government and  
23 nation behind the objects of the conspiracy.

25 QQ-64. d. Ex. 609, T. 6,671  
QQ-65. a. T. 34,174-5

1                   QQ-66. OSHIMA's first article, entitled  
2 "Activate the Alliance -- Shun Diplomatic Passivity"  
3 appeared close on the heels of the conclusion of the  
4 Tri-Partite Pact in the 27 October 1940 edition of  
5 the Tri-Partite Pact in the 27 October 1940 edition  
6 of the YOMIURI newspaper.<sup>a</sup> A close study of this  
7 document, parts of which were not read in evidence,  
8 is of importance in obtaining a clear understanding  
9 of OSHIMA's true views and the common plan which  
10 existed among the conspirators as well as the func-  
11 tion that OSHIMA played in selling these ideas and  
12 plans to the Japanese people. He stated that the  
13 alliance had as its object the founding of a New  
14 Order in East Asia and in Europe, and although the  
15 treaty provided for mutual military support, this  
16 was not an object in itself and was only an unavoid-  
17 able measure to be taken should some third power ob-  
18 struct the founding of the New Order. It stands to  
19 reason that the establishment of the contemplated New  
20 Order in East Asia and in Europe could not be effected  
21 without military aggression, as it involved the terri-  
22 tories and rights of sovereign nations. This point  
23 was conceded by OSHIMA in his conversation with  
24 Erdsmannndorff on 18 October 1941, when he expressed  
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1 his opinion that the Japanese Government must have  
2 been certain at the time the Tri-Partite Pact was  
3 concluded that the Greater East Asia Sphere could  
4 only be achieved through a push to the south, and  
5 with the sword at that. This, it is submitted, con-  
6 stitutes an annihilation of OSHIMA's defense that he  
7 considered the alliance a defensive pact. He stated  
8 in this article that the settlement of the China  
9 Incident and the European war should be considered  
10 as a unity and that the Japanese people must make up  
11 their minds to the fact that the treaty called for  
12 Japanese cooperation in establishing the New Order  
13 of Germany and Italy in Europe. He called upon the  
14 nation with unswerving resolution to make careful  
15 preparations to combat any obstructions which other  
16 nations may offer. Unfortunately in recent years,  
17 he stated, there had been a tendency for conflicting  
18 opinions to arise within Japan and warned that if it  
19 continued in the future, Japan would not be able to  
20 accomplish its mission in the world. He admonished  
21 the people not to indulge in vain bickerings but to  
22 stand foursquare ready to burst through any barrier  
23 to the achievement of Japanese aims. He reminded the  
24 people that never before was such resolute determination

1 and firm courage necessary. The treaty must be  
2 activated with all speed, and the first essential step  
3 to this is to complete preparations for action rapid-  
4 ly, he stated. He asserted that the Tri-Partite  
5 powers must march ahead in perfect concord to pro-  
6 tect their common interests, and that a tremendous  
7 amount of preliminary work was required to be done  
8 with respect to Japan's relationship with Germany  
9 and Italy and within Japan itself. With an air of  
10 finality he then advised his readers that the  
11 country's policy had been clearly laid down so  
12 anxiety about the matter was uncalled for.

13 QQ-67. The foregoing broad appeal to the  
14 Japanese people was quickly followed by another  
15 article by OSHIMA published in the November 1940  
16 issue of the magazine Dai Asia Shugi.<sup>a</sup> This magazine  
17 was published by the Greater East Asia Association,  
18 of which the accused MATSUI was Chief, the accused  
19 HIROTA, SHIRATORI and MATSUOKA were counsellors, and  
20 the accused SUZUKI, a director. This article entitled  
21 "The Tri-Partite Alliance and the United States of  
22 America" is of the same general character as the  
23 former article. In this article he pictured the war  
24 aims of Germany and Italy as being similar to Japan's  
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QQ-67. a. Ex. 3517A, T. 34,180

1 object in dealing with the China Incident and assigned  
2 that fact as the reason for conclusion of the alliance  
3 between the three powers. He asserted that the fact  
4 this recent alliance was concluded with the grand  
5 object of establishing a New Order in the world  
6 constituted the great feature of the treaty, and he  
7 called upon the nation to recognize the significance  
8 of this. OSHIMA again called on the people for coop-  
9 eration in the establishment of the New Order of  
10 Germany and Italy and pointed out that it was essen-  
11 tial that Japan immediately plan with its allies  
12 Germany and Italy in establishing a concrete policy  
13 and commence with its realization in a positive  
14 manner. As a final appeal, he stated that at this  
15 turning point of the world, all the people should  
16 combine their efforts for the great imperial idea  
17 of establishing a New Order in Greater East Asia in  
18 accordance with the Imperial wishes which had been  
19 recently promulgated.  
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21 C. OSHIMA Appointed Ambassador to  
22 Germany for the Second Time.

23 QQ-68. On 13 December 1940 Ott wired  
24 Ribbentrop that the Foreign Minister had repeatedly  
25 offered the German ambassadorial post to OSHIMA who  
declined in order to continue his politically active

work for the Tri-Partite Pact.<sup>a</sup> By politically active work Ott testified he did not mean that OSHIMA had a part in the preliminary negotiations or in the conclusion of the Tri-Partite Pact for he was not consulted.<sup>b</sup> OSHIMA admitted that the Foreign Minister urged him to accept the post at a meeting in November 1940<sup>c</sup> but denied that he worked politically for the pact or refused the appointment because of a desire<sup>d</sup> to stay in Japan for that purpose. The Foreign Minister renewed pressure on OSHIMA to accept the appointment and important navy circles in an endeavor to have a completely reliable proponent of the alliance policy with Germany occupy the most important ambassadorial post in Europe likewise urged OSHIMA to accept. Ambassador SHIRATORI, who was considered indispensable chiefly as a leading figure in the Japan pro-German rejuvenation movement, emphatically supported OSHIMA's appointment. OSHIMA, in considering the appointment, wanted to avoid the appearance of a weakening of his Tri-Partite Pact policy.<sup>e</sup> The appointment was made on 20 December 1940. From this history it is apparent that OSHIMA was consider-

- 24 99-68, a. Ex. 560, T. 6,422  
 25 b. Ex. 3503, T. 33,936  
 c. Ex. 3508, T. 34,025  
 d. Ex. 3508, T. 34,019  
 e. Ex. 121, T. 767

1 ing the matter of his appointment at the time he  
2 published his article in which he stated it to be  
3 essential that "we immediately plan with our allies,  
4 Germany and Italy, and establish a concrete policy and  
5 commence with its realization in a positive manner."<sup>f</sup>

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QQ-68.

f. Ex. 3517A, T. 24, 186

1           QQ-69. At a farewell party given to the new  
2 Ambassador by MATSUOKA, MATSUOKA significantly stated  
3 in a speech that Japan's efforts for the establishment  
4 of the New Order in East Asia began with the Manchurian  
5 Incident and that the Holy War in which Japan had been  
6 engaged in Asia for three and one-half years was for  
7 the purpose of establishing a New Order in East Asia.  
8 He prophesied that the results of the European war  
9 and Japan's efforts to establish the New Order in Asia  
10 would fundamentally alter the history of the world.  
11 After speaking of the unity between Japan and Germany  
12 effected by the Tri-Partite Pact and the inseparable  
13 relationship between the two powers, MATSUOKA, in  
14 recognizing OSHIMA's intimate knowledge of German  
15 affairs acquired through many years of study and his  
16 experience as Military Attache and Ambassador to Germany,  
17 pointed out that OSHIMA had built up such an absolute  
18 personal credit among the leaders of the German Govern-  
19 ment that he could talk with them without reserve, and  
20 spoke of the tremendous national reliance which was  
21 reposed in Ambassador OSHIMA as the result of his new  
22 assignment.<sup>a</sup>  
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24 CC-69

25 a. Ex. 261, T. 6,423-6

VII. Cooperation Under the  
Tri-Partite Pact.

A. OSHIMA Aided in the Japanese Plan  
To Occupy French Indo-China.

CC-70. In a telegram to OSHIMA bearing date 17 February 1941, MATSUOKA directed that Germany be requested to use its good offices to have the Vichy Government accept Japan's plan of mediation between French Indo-China and Thailand. He pointed out that the success or failure of Japan's plan of mediation would gravely affect the political situation of East Asia and the position of all Axis powers, that failure of Japan's southern policy would eventually cause a serious set-back in the operations of Germany and Italy and that success of the plan would establish Japanese influence in Thailand and French Indo-China and furnish the grounds upon which to request "various conveniences" which Japan desired.<sup>a</sup> OSHIMA first claimed that this telegram was received in Berlin two days prior to his arrival and that it must have been handled by the Charge d'Affaires,<sup>b</sup> but when confronted with a memorandum by Weiszaeher bearing date February 17th relating to his arrival in Berlin, OSHIMA admitted

CC-70

- a. Ex. 3521, T. 34,295-6  
b. T. 34,289

1 that he in fact arrived on the 17th of February.<sup>c</sup>

2 That the German Government effectively responded to  
3 MATSUOKA's request to bring pressure to bear upon the  
4 Vichy Government is conclusively shown by the telegram  
5 of Boltze, Counsellor in the German Embassy in Tokyo,  
6 bearing date 12 March 1941, in which he advised that  
7 the Foreign Vice Minister OHASHI had requested that  
8 there be conveyed to the Reich Foreign Minister the  
9 sincere gratitude of the Japanese Government for the  
10 extraordinarily favorable and effective support of  
11 the Japanese mediation in the dispute between  
12 Thailand and French Indo-China.<sup>d</sup> This is evidence  
13 of the successful completion of OSHIMA's first  
14 undertaking after his arrival as the new Ambassador  
15 to Germany. The importance of the French Indo-China -  
16 Thailand Border Dispute in Japanese plans for aggress-  
17 ive expansion is demonstrated in the summation.<sup>e</sup>

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19 B. OSHIMA Discussed With Ribbentrop  
20 Steps To Be Taken In Collaboration  
Under The Tri-Partite Pact

21 QQ-71. As early as 19 December 1940, Foreign  
22 Minister MATSUOKA discussed with Ambassador Ott a  
23 visit to Europe in which he emphasized the need to

24 QQ-70

- 25 c. T. 34,324  
d. Ex. 566, T. 6,447  
e. Summation, G-39-42

1 make a strong gesture in favor of the Tri-Partite Pact  
2 and to overcome the deadlock in the negotiations with  
3 Russia and China.<sup>a</sup> However, MATSUOKA had in mind the  
4 discussion with German leaders of certain concrete  
5 matters which went far beyond this general statement.  
6 Desiring not to lose a chance which might only return  
7 after a thousand years; an expression common to  
8 MATSUOKA, OSHIMA, Hitler and Ribbentrop, MATSUOKA  
9 intended to discuss in Berlin the next steps in the  
10 promotion of the aims of the conspirators, steps which  
11 included the use of armed force against sovereign  
12 nations without any pretense of self-defense. On  
13 10 February 1941, MATSUOKA informed Germany that he  
14 desired to discuss in Berlin such important questions  
15 as the attitude of the partners of the Tri-Partite  
16 Pact toward America, a preventive attack against  
17 Singapore, termination of the China conflict and the  
18 strengthening of Japanese hands in the negotiations  
19 with Russia as the result of a surprise agreement with  
20 Chiang Kai-shek. In connection with the question  
21 relating to the preventive attack against Singapore,  
22 MATSUOKA advised that Japan would undertake a decision  
23 on this question only in complete agreement with the  
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25 CC-71

a. Ex. 567, T. 6,440

1 Reich and that in the meantime the armed forces were  
2 taking the measures necessary to be ready for war.<sup>b</sup>

3       QC-72. OSHIMA endeavored to minimize the  
4 importance of the part he played in these discussions  
5 of the aggressive plans by testifying that he was  
6 not instructed to arrange with the German side the  
7 agenda of conversation of MATSUOKA in Berlin<sup>a</sup> and  
8 that no conference had been held by him with MATSUOKA  
9 on Japan's foreign policy.<sup>b</sup> However, this feigned  
10 ignorance on the part of OSHIMA is disproved by the  
11 statement of MATSUOKA to Ambassador Ott that he had  
12 informed Ambassador OSHIMA of the questions he proposed  
13 to discuss in Berlin.<sup>c</sup> Armed with knowledge of the  
14 questions that MATSUOKA desired to discuss, OSHIMA  
15 prepared the way by engaging in two conferences prior  
16 to MATSUOKA's arrival in Berlin. In a conference with  
17 Weiszaecker on 22 February 1941, he suggested the  
18 possibility of a modus vivendi with Russia which would  
19 be sufficient to "relieve Japan in the north." With  
20 regard to China, OSHIMA expressed the view that  
21 pressure would be put on Chiang Kai-shek through  
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23 QC-71

b. Ex. 569, T. 6,454-6

24 QC-72

25 a. Ex. 3508, T. 34024

b. Ex. 3508, T. 34,025

c. Ex. 569, p. 2 (not read in evidence.)

1 Japanese support of Wang Ching-wei. As to British  
2 possessions in East Asia, OSHIMA stated that it was  
3 necessary that Hong Kong be first taken and then  
4 Singapore should be seized in grand style by opera-  
5 tions from both the sea and the land. OSHIMA told  
6 Weiszaecker that he had energetically advocated the  
7 point of view in Tokyo "that one should not let slip  
8 by opportunities that would determine the fate of  
9 Japan for centuries."<sup>d</sup>

10 QQ-73. On the following day, 23 February  
11 1940, OSHIMA conferred with Ribbentrop. Discussions  
12 of the advisability of a Japanese attack upon Singapore  
13 having been previously initiated by MATSUOKA in Japan  
14 and by OSHIMA in Berlin, Ribbentrop encouraged such  
15 an attack. OSHIMA explained that preparations for  
16 the occupation of Singapore would be completed by the  
17 end of May and for the sake of safety preparations  
18 must be made not only for war against England but  
19 also against America. The moment for the occupation  
20 of Singapore, he said, must be coordinated with opera-  
21 tions in Europe. OSHIMA alluded to the occupation of  
22 Hong Kong as in his previous conference with Weiszaecker.  
23 He also declared himself willing to do everything to  
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25 QQ-72

d. Ex. 570, T. 6,457

1 realize the policy that had been discussed and he  
2 remarked that he had asked the Foreign Minister to  
3 bring to Berlin "the most concrete possible proposals."<sup>a</sup>  
4 Following these discussions of aggressive plans,  
5 Ribbentrop, on 27 February 1941, wired Ambassador Ott  
6 in Tokyo directing him to work with all the means at  
7 his command to the end that Japan take possession of  
8 Singapore by surprise as soon as possible.<sup>b</sup> Within  
9 a few days thereafter, on 3 March 1941, Hitler issued  
10 Directive #24, in which it was stated that the aim of  
11 the cooperation based on the Three-Power Pact must be  
12 to bring Japan as soon as possible into active opera-  
13 tions in the Far East.<sup>c</sup> OSHIMA explained that in  
14 talking to Ribbentrop about an attack on Singapore he  
15 expressed his personal opinion in order to ascertain  
16 German intentions for the future, and that he consid-  
17 ered it was to some extent necessary not to give the  
18 impression that Japan was assuming an evasive attitude.<sup>d</sup>  
19 This explanation appears unreasonable when considered  
20 in the light of Ribbentrop's later statement to  
21 MATSUOKA in an official conference that he had already  
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23 00-73

- 24 a. Ex. 571, T. 6,459-67  
25 b. Ex. 572, T. 6,468  
c. Ex. 573, T. 6,470  
d. Ex. 3508, T. 34,022-3

1 discussed with OSHIMA such a specific matter as the  
2 type of German assistance which should be given in  
3 the blow against Singapore.<sup>e</sup>

4 QQ-74. OSHIMA testified that he had no  
5 recollection of telling Ribbentrop that the prepara-  
6 tions for attack on Singapore would be completed by  
7 May<sup>a</sup> for the reason, as he stated, that he had never  
8 received any information on such a subject. In this  
9 connection it is important to consider the same  
10 information which arose from another and independent  
11 source, both as bearing upon OSHIMA's credibility and  
12 upon the establishment of the fact. In Ambassador Ott's  
13 report to Ribbentrop on 25 March 1941 he stated that  
14 upon inquiry from the Chief of the Navy General Staff,  
15 Admiral KONDO, he was told that the Navy was vigorous-  
16 ly preparing for an attack upon Singapore and prepara-  
17 tions were expected to be concluded by the end of May,  
18 and on inquiry from the Chief of the Army General Staff,  
19 General SUGIYAMA, he had been advised that the Army was  
20 also making preparations for an attack presumably at  
21 the end of May. Ott reported that the will to attack  
22 existed in the Army and the Navy, that preparations for

24 QQ-73.

e. Ex. 580, T. 6,529

25 QQ-74

a. Ex. 3508, T. 34,022

1 attack were in progress and that military prospects  
 2 were favorable. In keeping with OSHIMA's explanations  
 3 to Weiszaecker on February 22, 1941, Ott emphasized  
 4 that the need for the Japanese rear to be left free by  
 5 Russia played a decisive part in the Japanese consider-  
 6 ations and was being striven for by reconciliation with  
 7 Russia.<sup>b</sup>

8 QQ-74a. OSHIMA endeavored to discredit the  
 9 testimony relating to Japanese preparations for the  
 10 occupation of Singapore by producing the affidavit of  
 11 Ribbentrop. What Ribbentrop said was that he could not  
 12 imagine that OSHIMA made the statement that prepara-  
 13 tions for the occupation of Singapore would be completed  
 14 by the end of May, and if OSHIMA did make it, it was  
 15 for propaganda purposes.<sup>a</sup> We are not concerned with  
 16 Ribbentrop's guesses and speculations. What is of  
 17 importance is that he did not deny that OSHIMA made the  
 18 statement attributed to him. A most significant situ-  
 19 ation exists relative to the Ribbentrop affidavit.

20 The copy served upon the Tribunal and read into evidence  
 21 fails to include two vitally important paragraphs which  
 22 were marked out and initialed by Ribbentrop. These two

23 QQ-74

24 b. Ex. 576, T. 6,478-9

25 QQ-74a

a. Ex. 2762, T. 24,741

1 paragraphs contain matter considered vital by the  
2 defense, and Ribbentrop's refusal to endorse them  
3 can be construed in no other light than a denial of  
4 their validity. Thus it has developed that it is  
5 far more important to learn what Ribbentrop would not  
6 say than it is to ascertain what he did say. The  
7 paragraphs in question are as follows:

8 "During all our conversations, negotiations,  
9 and conferences OSHIMA took no official position but  
10 reserved his judgment until he submitted the matter  
11 to his government. His personal views were not  
12 inserted into his official act; this was his definite  
13 policy.

14 "At no time did OSHIMA ever suggest an  
15 attitude to commit his country to war. I tried hard  
16 since the beginning of 1941 to cause OSHIMA to commit  
17 himself and his country to the war, first against  
18 Great Britain and then against Soviet Russia. All of  
19 his official and personal efforts were directed toward  
20 keeping Japan out of the war with the United States,  
21 Great Britain and Soviet Russia."  
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1 QQ-75. The conferences conducted by MATSUOKA  
2 on his arrival in Berlin regarding the importance of an  
3 early attack by Japan on Singapore are treated in the  
4 summation. a. OSHIMA testified that in the conference  
5 he attended MATSUOKA did not make any commitment on  
6 this subject and that he was never informed as to the  
7 character of the other conferences that occurred. b.  
8 This is rebutted by OSHIMA's own telegram of May 20,  
9 1941 bitterly castigating MATSUOKA for what appeared to  
10 be a change of intention on his part regarding the  
11 advance to the south, in which he stated, "When Foreign  
12 Minister MATSUOKA visited Germany recently he said, as  
13 his personal opinion, that Japan was going to attack  
14 Singapore, but it seems that he has changed his opinion." c.

15 C. OSHIMA Discouraged Japanese-Russian  
16 Negotiations.

17 QQ-76. As early as January 1940 OSHIMA was  
18 known to favor rapprochement between Japan and the  
19 Soviet Union, and, as we have seen, on February 22, 1941  
20 in a conference with Weiszaecker he spoke of Japan's  
21 future policy as envisaging a modus vivendi with Russia  
22 which would be sufficient to relieve Japan in the north. b.  
23

24 (QQ-75. a. Summation, F-150-1  
25 b. Ex. 3508, T. 34024-5  
c. Ex. 1075, T. 9921)  
(QQ-76. a. T. 34217  
b. Ex. 570, T. 6457)

1 The Japanese views regarding rapprochement with Russia  
2 were also made clear in Ott's report to Ribbentrop on  
3 March 24, 1941 regarding his inquiry from Admiral KONDO  
4 and General SUGIYAMA as to the preparations of the  
5 Navy and the Army for an attack on Singapore, in which  
6 he recorded that "conditions for the accomplishment  
7 of this is a free rear toward Russia" and "the need  
8 for her rear to be left free by Russia plays a decisive  
9 part in the Japanese considerations and was being  
10 striven for by reconciliation with Russia."<sup>c.</sup>

11 QQ-77. In the meantime the situation between  
12 Germany and Russia had undergone a change. Hitler's  
13 "Barbarossa" plan had been decided upon,<sup>a.</sup> and it had  
14 become imperative from the viewpoint of Germany that a  
15 Japanese threat be maintained against Russia in the  
16 East. Consequently, Ribbentrop discouraged a non-  
17 aggression pact between Japan and Russia. He advised  
18 MATSUOKA not to touch on the question of the non-  
19 aggression pact in Moscow "as it was not apt to fit  
20 quite into the framework of the present situation."<sup>b.</sup>  
21 Several days later he warned MATSUOKA that it would  
22 probably be best in view of the whole situation not to  
23 carry the discussion with the Russians too far and that  
24 (QQ-76. c. Ex. 576, T. 6478-9)  
25 (QQ-77. a. Ex. 573, T. 6472  
b. Ex. 579 T. 6520)

1 in his opinion the question should be dealt with only  
2 in a purely formal way and should not be gone into  
3 deeply.<sup>c.</sup>

4 QQ-78. OSHIMA learned from either Hitler or  
5 Ribbentrop that there existed a probability of a German  
6 attack on Russia and independently of what he heard<sup>a.</sup>  
7 from German officials, he concluded there was great  
8 probability of war between Germany and the U.S.S.R. due  
9 to the concentration of large bodies of troops on the  
10 Russian border and the extensive military preparations<sup>b.</sup>  
11 which were then being made. In the light of this  
12 changed situation between Germany and Russian, OSHIMA  
13 was of the opinion that Japan should not be too hasty  
14 in entering into a non-aggression pact with Russia, and  
15 he advised MATSUOKA accordingly. Although MATSUOKA did  
16 not desist in his plans, he reported to OSHIMA the pro-  
17 gress of negotiations on two occasions.<sup>c.</sup> It is not the  
18 change of OSHIMA's views to conform more nearly with the  
19 German viewpoint, as had so frequently occurred before,  
20 which lends the greatest significance to this incident.  
21 The most important consideration is that the giving of  
22 advice to MATSUOKA and the receiving of reports from him  
23 (QQ-77. c. Ex. 580, T. 6522-9)

24 (QQ-78. a. T. 34217-8  
25 b. T. 34319  
c. T. 34220-2)

as to the progress of the negotiations in Moscow reflect the leading role OSHIMA played in the formulation of Japanese policy and disproves his contention that he merely served as a messenger between Japan and the country to which he was accredited.

D. OSHIMA Endeavored to Block American-Japanese Negotiations

QQ-79. On May 3, 1941 OSHIMA was shown the April 16th draft of a proposed agreement between the United States and Japan and Ott's telegram to Ribbentrop regarding the pending negotiations.<sup>a.</sup> The proposal of MATSUOKA to make a trip to the United States had been carried in the press in the latter part of April.<sup>b.</sup> OSHIMA immediately undertook to obstruct the course of the American-Japanese negotiations. His first act was to bring pressure from the General Staff upon MATSUOKA to abandon this proposed trip. On May 3d his Military Attache BANZAI sent a telegram to the General Staff in which he pointed out that the proposed trip by MATSUOKA would create a very unfavorable situation and would nullify the results of Foreign Minister MATSUOKA's visit to Germany and Italy, and warned that if the situation be left alone the problem of Ambassador OSHIMA's resignation may arise, thereby causing a fiasco in the

(QQ-79. a. Ex. 1075, T. 9920

b. Ex. 3518, T. 34238)

basic problems of Japan's foreign diplomacy. BANZAI  
 1 requested grave deliberation on the matter.<sup>c.</sup> As was  
 2 to be expected, this telegram was delivered by the  
 3 General Staff to the Foreign Ministry where it was  
 4 shown to have been received on May 5th. Following  
 5 the dispatch of BANZAI's telegram, OSHIMA wired the  
 6 Foreign Minister on May 4th and advised that although  
 7 the German Government had given no expression of its  
 8 attitude, he was nevertheless greatly concerned over the  
 9 proposed trip and cryptically reminded MATSUOKA that it  
 10 was only common sense to consider the United States com-  
 11 pletely hostile against Germany and Italy. He requested  
 12 that he be informed by return cable of the truth about  
 13 his, MATSUOKA's, plans.<sup>d.</sup> OSHIMA testified that the  
 14 matter of the proposed trip of MATSUOKA was nothing  
 15 more than a rumor, but in his telegram of May 20th to  
 16 MATSUOKA OSHIMA reported that he had ascertained that  
 17 it was not a rumor.<sup>e.</sup> He denied that he knew of the  
 18 negotiations until the last of May.<sup>f.</sup> This denial was  
 19 also untrue in the light of his telegram of May 20th.<sup>g.</sup>  
 20 OSHIMA also denied any knowledge of or connection with  
 21 (QQ-79. c. Ex. 3814, T. 37916  
 22 d. Ex. 3518, T. 34238  
 23 e. T. 34236; Ex. 1075, T. 9918  
 24 f. T. 34231-2  
 25 g. Ex. 1075, T. 9918)

h.  
the sending of the telegram by his Military Attache,  
1 but, it is submitted, MATSUOKA fully understood OSHIMA's  
2 scheme to bring military pressure to bear upon him  
3 when in his reply he requested OSHIMA to inform both  
4 of his attaches about the matter.<sup>i.</sup> His reply also  
5 indicates that OSHIMA took his Naval Attache into the  
6 scheme.  
7

8 QQ-80. OSHIMA's opposition to the conduct of  
9 American-Japanese negotiations by MATSUOKA is plainly  
10 apparent and is fully understood from a reading of his  
11 three dispatches to MATSUOKA of May 20, 1941, notwith-  
12 standing his emphatic denial on cross-examination that  
13 he opposed the diplomatic policy of MATSUOKA with re-  
14 gard to the United States.<sup>a.</sup> In his first telegram  
15 he expressed deep concern over what he considered to be  
16 the development of this matter and its effect upon the  
17 future of Japan as well as the Tri-Partite Pact. In  
18 spite of advice from MATSUOKA that it was unnecessary  
19 to report to him the opinions of the staffs of Germany  
20 and Italy on the negotiations that were then being con-  
21 ducted, OSHIMA advised MATSUOKA that he could not un-  
22 derstand the reasons for this decision of MATSUOKA, and  
23 regardless thereof he could not keep silent and had

24  
25 (QQ-79. h. T. 34239  
i. Ex. 3519, T. 34244)  
(QQ-80. a. Ex. 1075, T. 9918; T. 34242)

b.  
expressed his opinion frankly in two separate telegrams.

1  
2 QQ-81. In the second telegram he stated he had  
3 answered Ribbentrop's criticisms of the negotiations by  
4 stating that Japan was observing the Tripartite Pact  
5 as the basis of its diplomacy, and accordingly there  
6 was no reason to conclude the proposed treaty between  
7 Japan and America contrary to the Tripartite Pact. He  
8 suggested that MATSUOKA must have been compelled by  
9 "a certain group" to consent to it. He critically  
10 stated that when Foreign Minister MATSUOKA visited  
11 Germany he said that Japan was going to attack Singapore,  
12 but that it seemed he had changed his opinion. He pro-  
13 phesied that if the proposed agreement should be con-  
14 cluded Japan, in his opinion, would lose the chance to  
15 establish her right of leadership in East Asia. OSHIMA  
16 then presented MATSUOKA with two plans which, without  
17 the authority of the Foreign Office, he had discussed  
18 with Ribbentrop. The first was to refuse the proposal  
19 of America, and the second was that if the agreement  
20 were concluded that it be done so under the condition  
21 that America maintain a neutral attitude without extend-  
22 ing convoy patrol assistance. He expressed Ribbentrop's  
23 fear that the agreement might make the Tripartite Pact  
24 automatically meaningless.  
25 a.

(QQ-80. b. Ex. 1075, T. 9918-9)

(QQ-81. a. Ex. 1075, T. 9920-8)

1           QQ-82. In the third telegram OSHIMA repeated  
2 the deep dissatisfaction of the German Government with  
3 the American-Japanese negotiations and the concern of  
4 the German Government about the future of the Tripartite  
5 Pact. OSHIMA reminded MATSUOKA that when he came to  
6 Germany all of the people in Germany heartily welcomed  
7 him and delighted in the strengthening of the Axis, but  
8 as the American negotiations followed so closely his  
9 trip to Germany, the feeling was very strong that  
10 Germany had been betrayed. He reminded MATSUOKA that  
11 the European War was developing very favorably for  
12 Germany and Italy and that very important developments  
13 were expected in the light of which it was unreasonable  
14 for Japan to lose the confidence and trust of Germany  
15 and Italy who would become the leaders in Europe.  
16 OSHIMA expressed his fear that "such a two-faced diplo-  
17 macy should lead Japan to an absolute international  
18 isolation during the critical period which may arise  
19 after the war." He warned that if Japan solved the  
20 China Incident with the support of America, she would  
21 lose the existing opportunity to expand southward and  
22 the possibility of attacking Singapore. He emphasized  
23 the fact that by such a treaty the elimination of fear  
24 in the Pacific would permit the United States to rein-  
25 ~~force her assistance to Britain which would greatly~~

1 affect the war in Europe. Should Japan abandon her  
2 right to leadership in the southern regions for the  
3 sake of American, it was clear, he stated, that Japan  
4 could not stress her leadership to Germany and Italy,  
5 and this would mean abandonment by Japan of her great  
6 mission to establish a New Order in the Greater East  
7 Asia. He called MATSUOKA's attention to the fact that  
8 the Tripartite Pact had been concluded by Japan and  
9 that the road the Japanese people should follow had  
10 been made clear. He earnestly implored MATSUOKA that  
11 if the conclusion of the agreement was unavoidable,  
12 the Japanese Government should at least uphold the  
13 principle that Japan would facilitate the battle of  
14 Germany and Italy against Britain, that Japan should  
15 demand America's neutrality in the European war, and  
16 that it should be made clear that Japan had an obliga-  
17 tion based upon the Tripartite Pact to participate in  
18 the war.<sup>a.</sup>

19 QQ-83. As late as July 12, 1941, OSHIMA con-  
20 ferred with Weiszaecker on the development of Japanese-  
21 American relations. When asked whether the Americans  
22 considered their rear in the Pacific Ocean to be secure,  
23 OSHIMA replied that his own views on how America was  
24 to be handled were known to the Germans and that he had  
25 (QQ-82. a. Ex. 1075, T. 9929-32)

1 again advised MATSUOKA recently simply to break off the  
2 conversations with Washington.<sup>a.</sup> Prince KONOYE, in  
3 his Memoirs, also recorded the fact that OSHIMA declared  
4 his opposition to the American-Japanese negotiations  
5 in strong language. No further comment is needed upon  
6 the conduct of OSHIMA in his opposition to the American-  
7 Japanese negotiations than to quote the statement of  
8 Prince KONOYE when he uses the following language:

9 "It was evident that through the influence  
10 of the German representations and the re-  
11 peated observations of Ambassador OSHIMA  
12 the originally vague attitude of the  
13 Foreign Minister had become more and more  
14 vague; and it was more and more obvious  
15 that, in contrast with the other Cabinet  
16 members, who were full of hopes, he was  
17 standing alone in his opposition."<sup>b.</sup>

18  
19 E. Additional Power was Concentrated  
20 in the Hands of OSHIMA

21 QQ-84. On December 20, 1940 there was estab-  
22 lished a General Commission, a Military Technical Com-  
23 mission and an Economic Technical Commission in each  
24 of the three capitals, Tokyo, Berlin and Rome, under

25 (QQ-83. a. Ex. 3815, T. 37921  
b. Ex. 3824, T. 37972)

Article IV of the Tripartite Pact.<sup>a.</sup> OSHIMA testified  
that the commission in Berlin had nothing but a nominal existence and that no material discussions concerning future plans or combined operations took place.<sup>b.</sup>  
Admiral YOKOI, a member of the Military Commission in Berlin, admitted in the course of his interrogation that the reason why the joint Military Commission did not function effectively was that an unofficial commission consisting of Foreign Minister Ribbentrop and General OSHIMA was established. Ribbentrop and OSHIMA, he said, conferred in respect to military measures, and with these conferences proceeding on the level of the German Foreign Office, it was difficult for the subordinate Military Commission to carry out its functions.<sup>c.</sup>  
This usurpation by OSHIMA of the powers and duties of the Military Commission under the Tripartite Pact enabled him to more effectively cooperate with Germany in carrying out the objects and purposes of the conspiracy.

QQ-85. Additional power was assumed by OSHIMA when, as he advised Ribbentrop on January 2, 1942, the Japanese Government concentrated in his hands for the Japanese side "the handling of all questions which

(QQ-84. a. Ex. 559, T. 6417-20  
b. Ex. 3508, T. 34043  
c. T. 33972)

1 concerned the general principles of cooperation in the  
2 whole field of the common prosecution of the war and to  
3 speak at the proper time with the Reich Foreign Minister  
4 and, in so far as Italy was interested, with the Reich  
5 Foreign Minister and the Italian Ambassador. Nothing  
6 beyond purely military and economic questions of detail  
7 were to be directly handled by the military and economic  
8 members of the subcommissions of the Tripartite Pact."<sup>a.</sup>  
9 OSHIMA denied that he received such instructions and  
10 stated that although he had talked with Ribbentrop  
11 regarding matters of policy there was no instance in  
12 which a decision of any new policy had been reached.<sup>b.</sup>  
13 However, the fact of the receipt of such instructions  
14 was confirmed in a conference with Hitler on January 3,  
15 1942 when OSHIMA advised that he was empowered by his  
16 government "to discuss the prosecution of the war with  
17 the Reich Foreign Minister. Even though individual  
18 questions could be discussed directly between the army,  
19 the air force, and, above all, the navy, in his opinion  
20 it was of the greatest importance that the main line of  
21 policy should be laid down exclusively by him and the  
22 Foreign Minister. The same was true for the economic  
23 and political questions."<sup>c.</sup> OSHIMA continued in the  
24 (QQ-85. a. Ex. 3812-A, T. 37906  
25 b. T. 34210-2  
c. Ex. 3813-A, T. 37912)

1 established practice of discussing military and economic  
2 matters of utmost importance with German leaders and  
3 endeavored to guide the policy relating to such matters  
4 as will subsequently appear.

5 F. OSHIMA Advocated Utilization of Japanese-  
6 German Economic Power in the Joint Conduct  
7 of the War, and Acting Under the Tri-  
8 Partite Pact Negotiated a Treaty with  
9 Germany Designed to Reduce Third Powers  
10 to Economic Servitude

11 AA-86. The common plan of the conspirators to  
12 establish a new world order, as exemplified in the Tri-  
13 partite Pact, contemplated the isolation of all nations  
14 not surrendering vital sovereign rights to the Axis  
15 powers and their reduction to economic servitude. This  
16 is made clear from a study of the negotiations between  
17 OSHIMA and Ribbentrop regarding plans for world economic  
18 control under the Tripartite Pact. This could not be  
19 accomplished without a successful termination of the  
20 military aggressions in which the Tripartite powers  
21 were engaged, but while these wars of aggression were  
22 being waged, deep plans were laid which would not only  
23 aid in concluding these wars favorably to the aggressive  
24 powers, but would lay the foundation for the cooperation  
25 needed to project their scheme of world domination and

control into the far distant future.

1           QQ-87. In line with the provisions of the Tri-  
2     partite Pact and in conformity to the plan of the con-  
3     spirators, OSHIMA and Ribbentrop on March 23, 1942  
4     discussed future economic cooperation between the  
5     Europe-Africa sphere under the leadership of the Axis  
6     and the Greater East Asia sphere under the leadership  
7     of Japan, in which the goal was designated as the  
8     establishment of a large-scale economic agreement with  
9     preference for the Tripartite powers and with the  
10    exclusion as far as possible of third parties, America  
11    in particular.<sup>a</sup> OSHIMA had previously pointed out to  
12    Ribbentrop that the development and utilization of "the  
13    raw materials-rich South Sea regions" went hand in hand  
14    with the progress of military operations, and that Japan  
15    was doing its utmost to facilitate the delivery of East  
16    Asiatic products to Germany. Germany, he stated, should  
17    do everything to deliver machines, munitions, materials  
18    and plants to Japan. This was part of the plan for re-  
19    ciprocal utilization of German and Japanese economic  
20    power. In this connection, OSHIMA proposed on his own  
21    initiative and without first obtaining the authority of  
22    his government that Germany should grant Japan a total  
23    credit of one billion yen for three years with a  
24    (QQ-87. a. Ex. 3819, T. 37946)  
25

bridging-over credit of fifty million yen for the most  
b.  
urgent German deliveries.

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(QQ-87. b. Ex. 3812-A, T. 37906-7  
Ex. 3818-A, T. 37937  
Ex. 3818-B, T. 37939)

QQ-88. Discussion of the proposed economic agreement was continued on May 9, 1942. Ribbentrop pointed out that the starting point for all political and in particular for all economic discussions and plans was the Tri-Partite Pact, which would prove effective for all international settlements even after the war and for an enormous length of time to come. The two major political areas created by the Tri-Partite Pact, he said, must in advance fix their economic relations in such a way that they would in no way adversely affect the political relations. OSHIMA enthusiastically concurred in the idea of a treaty arrangement for economic relations and stated that it was all the more important because it would be difficult to bring America to its knees in the present war and that after the end of the war battle would have to be waged with the United States in the field of economy through an economic boycott by Japan and the Axis. Ribbentrop proposed the formulation of a basic accord which would be for publication and a secret protocol not intended for publication which would include important details as to which OSHIMA expressed his fundamental agreement. The various points on which Ribbentrop and OSHIMA fundamentally agreed formed the charter for projecting world domination and control

1 into the far distant future and were covered by the  
2 following proposals:

3 (1) The economic cooperation between the  
4 two great spheres under the pact should be facilitated  
5 by a strict central control.

6 (2) The guiding powers from their natural  
7 economic predominance should exert influence on the  
8 regulation of economy of the independent states  
9 within the two spheres, thereby necessitating these  
10 independent states to carry out a far reaching con-  
11 trol of their economies. This it was expected would  
12 finally result in the two economic areas being combined  
13 into one unit which would also affect the field of  
14 customs and currency.

15 (3) The Tri-Partite powers should be given  
16 mutual preference in all economic fields. This con-  
17 templated preferential tariffs, action to prevent the  
18 productions of one partner from being forced from the  
19 market by an outsider such as the United States, and  
20 the restriction of sale of important goods to third  
21 powers until after the needs of the partners had been  
22 met.

23 (4) The resumption and continuation of  
24 economic relations with enemy countries after the war  
25 should take place only after mutual agreement between

1 the two partners. This was to apply particularly  
2 against the United States and Central and South  
3 American countries.

4 (5) In the event economically independent  
5 establishments within the two economic areas, such as  
6 the MITSUI interests in Japan, should oppose the con-  
7 templated economic control, measures should be taken  
8 to eliminate them.

9 QQ-89. These negotiations bore fruit in the  
10 conclusion in January 1943 of a trade agreement between  
11 Japan and Germany and an identical agreement between  
12 Japan and Italy.<sup>a.</sup> This was the treaty which Ribben-  
13 trop and OSHIMA agreed in their May 9th conference  
14 should be formulated for publication. What they secretly  
15 agreed to in carrying out the purposes of the conspir-  
16 acitors to bring the entire world under their domina-  
17 tion and control was set forth in the secret protocol  
18 to the foregoing treaty.<sup>b.</sup> OSHIMA in his testimony  
19 disclaimed participation in the negotiations but ad-  
20 mitted responsibility.<sup>c.</sup> At first he denied the ex-  
21 istence of the secret protocol,<sup>d.</sup> but later admitted  
22 its existence.<sup>e.</sup> This secret protocol negotiated by

23 (QQ-88. a. Ex. 3820A, T. 37950-3)

24 (QQ-89. a. T. 34230; Ex. 50, T. 501 (not read in evidence)

b. Ex. 3520, T. 34246 and 34267-9

c. T. 34320

d. T. 34231

e. T. 34246)

1 OSHIMA constituted an embodiment of the nefarious plans  
 2 and proposals of OSHIMA and Ribbentrop fully set forth  
 3 in paragraphs QQ-87 and QQ-88. With these policies  
 4 and agreements written into the law of Japan, Germany  
 5 and Italy, success at arms was all that was needed to  
 6 inflict upon both belligerents and non-belligerents  
 7 throughout the world the yoke of political and economic  
 8 servitude.

9 G. OSHIMA Advocated Japanese Expansion by  
 10 Use of Force in the Areas South of China  
 11 and in the South Seas, Favored the Ex-  
 12 ploitation of Those Areas and Negotiated  
 13 for Air and Naval Bases for Use in Military  
 14 Aggression.

15 QQ-90. The expansion of Japanese aggression  
 16 into the areas south of China and into the South Seas  
 17 is fully set forth in the summation. <sup>a.</sup> When asked if  
 18 he approved of and favored Japanese exploitation of  
 19 Indo-China, OSHIMA replied, "I never heard of that." <sup>b.</sup>  
 20 He also testified that his opinion had never been  
 21 asked regarding the establishment of air and naval  
 22 bases in French Indo-China and that he "had never  
 23

24 (QQ-90. a. Summation, C-19-44.  
 25 b. T. 34284.)

1 thought of that." <sup>c.</sup> He stated he did not think he had <sup>d.</sup>  
2 ever approved of Japanese penetration into Indo-China.  
3 However, the evidence shows that OSHIMA advocated  
4 expansion by use of force into French Indo-China and  
5 other southern areas, that he favored exploitation  
6 of those areas and that he negotiated for German  
7 assistance in obtaining naval and air bases for use  
8 in military aggression against Thailand, the Nether-  
9 lands East Indies and Singapore.

10 QQ-91. In September 1939, OSHIMA, timing  
11 his action with the initiation of war by Hitler against  
12 Poland, advised military aggression in the southern  
13 areas of Greater East Asia and against Hong Kong for  
14 which the Japanese Navy, he said, was prepared. He  
15 was of the opinion that Japan should try to tear the  
16 Netherlands from England so as to be able to exploit  
17 the raw materials of the East Indies. <sup>e.</sup> In his article,  
18 entitled "Activate the Alliance -- Shun Diplomatic  
19 Passivity," published in October 1940, he referred to  
20 the fact that prior to the Tri-Partite Pact, Japan for  
21 a long time had been determined to carry out its  
22 mission to set up a New Order in Greater East Asia

23 (QQ-90. c. T. 34305  
24 d. T. 34307)

25 (QQ-91. e. Ex. 509, T. 6136-7)

and establish a relationship with the "Southern  
Countries" conducive to so-called mutual harmony and  
prosperity. As we have seen, he was of the opinion  
that the Japanese Government had in mind at the time  
of the conclusion of the Tri-Partite Pact that the  
Greater East Asia sphere could not be achieved without  
a push to the south by the use of armed force.<sup>c.</sup>

21 QQ-91. b. Ex. 1290A, T. 11737  
22 c. Par. QQ-66, supra.)  
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72-92. OSHIMA's conference with Weiszaecker, February 22, 1941, in which he considered it necessary first to take Hong Kong and then to seize Singapore and his collaboration with Ribbentrop and Hitler in discussing plans for a Japanese attack on Singapore have been considered.<sup>a.</sup> He participated in a conference between MATSUOKA and Hitler in which MATSUOKA expressed the view that Japan would proceed by force,<sup>b.</sup> if necessary, in establishing the New Order. OSHIMA's part in bringing German pressure to bear on Vichy to accept Japanese demands in connection with the French Indo-China-Thailand border dispute, a necessary step in the Japanese strategic planning, has also been considered.<sup>c.</sup> At the time of the Japanese mediation of the Indo-China-Thailand border dispute, a decision was reached, according to a statement by OSHIMA, that an agreement was to be made with the Thailand Government for a Japanese invasion of Thailand, the purpose of which was to secure bases in that country for use as a springboard against Singapore.<sup>d.</sup>

CC-93. The plan of aggression in the

- 93-92. a. Par. QQ-72, supra. Par. QQ-73, supra.  
b. Ex. 577, T. 6495.  
c. Par. QQ-70, supra.  
d. Ex. 655, T. 7118.

1 southern area included occupation of the Netherlands  
2 East Indies, but Japan failed in enforcing its demands  
3 upon this country.<sup>a.</sup> This failure constituted an  
4 additional incentive for Japanese action in securing  
5 naval and air bases in south Indo-China from which  
6 speedy and effective military action could be launched.

7 On June 10, 1941, OSHIMA advised Germany that the  
8 Japanese Army desired to obtain bases for the navy in  
9 southern French Indo-China, which, he said, could be  
10 traced back to the fact that the Japanese armed  
11 forces wanted to create a favorable strategic position

12 vis-a-vis Singapore.<sup>b.</sup> This was followed on July 12,  
13 1941, by OSHIMA's statement to Weiszaecker that the  
14 occupation of certain positions in southern Indo-China  
15 as bases for aircraft and warships was an urgent

16 Japanese need. OSHIMA further stated on this occasion  
17 that although he did not consider a move toward south  
18 Indo-China imminent, he thought that Japan was wait-  
19 ing for a good opportunity.<sup>c.</sup> On July 17, 1941,

20 OSHIMA advised Ribbentrop that the Japanese Government  
21 had started negotiations with the French Government  
22 with a firm decision to secure for herself, among  
23 other things, naval and air bases in Indo-China. The

24 QQ-93. a. Summation, G-42, G-45-51.

b. Ex. 635, T. 7009; Ex. 586. T. 6560.

c. Ex. 3815, T. 37920.

1 realization of this plan, he said, was the first step  
2 for Japan's push to the south. He represented that  
3 this action would divert English-American forces and  
4 in this sense would give aid to Germany and Italy in  
5 the spirit of the Tri-Partite Pact. OSHIMA then  
6 called upon Germany to stand at the side of the  
7 Japanese Government and assist Japan in its negotia-  
8 tions with France.<sup>d.</sup>

9 QQ-94. After Japan secured naval and air  
10 bases in south French Indo-China through threat of  
11 military action,<sup>a.</sup> Erdmannsdorf was directed by  
12 Ribbentrop to confer with Ambassador OSHIMA. In the  
13 course of the conference OSHIMA advised that action  
14 against the southern regions had been prepared and  
15 the only question was when "things should start." He  
16 expressed the view that it should be in conjunction  
17 with German operations against Great Britain.<sup>b.</sup> On  
18 November 17, 1941, Erdmannsdorf again conferred with  
19 OSHIMA at the direction of Ribbentrop, this time to  
20 inquire as to whether the Japanese advance would be  
21 to the north or to the south. OSHIMA advised him that  
22 an advance by Japan toward the south was in his opinion  
23

24 QQ-93. d. Ex. 642, T. 7046-7.

25 QQ-94. a. Summation, G-43-4.

b. Ex. 3823-A, T. 37967.

1 unavoidable because of the pressing Japanese need for  
2 petroleum, and in explaining what was meant by advance  
3 to the south he stated that the seizure of the island  
4 of Borneo was above all necessary. During the course  
5 of the conference it was determined from examination  
6 of a map that Borneo was 1000 kilometers distant from  
7 the part of Indo-China occupied by Japanese troops.  
8 OSHIMA mentioned the necessity of being prepared for  
9 simultaneous military action against the Philippines  
10 should the United States be inclined to interfere and  
11 pointed out that the United States could not defend  
12 the Philippines effectively in view of the fact that  
13 Manila was only 800 kilometers distant from Formosa.  
14 OSHIMA expressed the need for increasing the number  
15 of Japanese troops in south Indo-China for an invasion  
16 of Thailand, the purpose of which would be to obtain  
17 a springboard against Singapore. OSHIMA commented  
18 upon the British fortification of Singapore and the  
19 absence of strong British naval forces there. He  
20 expressed the opinion that the Japanese advance  
21 against Singapore should be considered in conjunction  
22 with a German advance in the Middle East and stated  
23 that he considered an attack on Singapore would be  
24 most effective. OSHIMA also asserted that he assumed  
25

the three Japanese infantry divisions on the island of Hainan were being trained for landing operations and combat in tropical regions.<sup>c.</sup>

H. OSHIMA Favored Japanese Military Action against Russia and Endeavored to Influence Japan to Participate in the German War Against Russia.

QQ-95. After Germany attacked the Soviet Union, OSHIMA continued actively to further the goals of the conspiracy against the U. S. S. R. and insisted upon an early Japanese action against the U. S. S. R. This was in line with MATSUOKA's statement that, despite the Japanese-Russian Nonaggression Pact, no force could prevent Japan from attacking Russia at Germany's side if Hitler decided to solve the Russian question by violent means.<sup>a.</sup> The German attack took place on 22 June 1941.<sup>b.</sup> Within a week, on 28 June 1941, Ribbentrop was able to cable to Ambassador Ott in Tokyo that he had reached an agreement with OSHIMA that the latter would influence his government to speedy military action against Soviet Russia.<sup>c.</sup> That OSHIMA lost no time asserting his influence in that direction is shown by a telegram

QQ-94. c. Ex. 655, T. 7117 (Part only read in evidence.)  
 QQ-95. a. Ex. 1068, T. 9888.  
 b. T. 6561.  
 c. Ex. 587, T. 6562; Ex. 1096, T. 10031.

1 from Ott of the same date in which Ott advised  
 2 Ribbentrop that, according to confidential reports  
 3 coming from the Japanese Foreign Office, Ambassador  
 4 OSHIMA urgently advised the Japanese Government to  
 5 attack Russia soon.<sup>d.</sup> In the face of this evidence  
 6 originating from two different sources, OSHIMA cate-  
 7 gorically denied the contents of both telegrams.<sup>e.</sup>

8 QQ-96. OSHIMA stated that he never once  
 9 expressed an opinion in favor of a Japanese attack on  
 10 Russia prior to the summer of 1942,<sup>a.</sup> and contended  
 11 that he only transmitted German requests for Japanese  
 12 participation in the war against the U. S. S. R.<sup>b.</sup>  
 13 However, he admitted in cross-examination that only  
 14 one official request to that effect was made and  
 15 asserted that this happened in the summer of 1943.<sup>c.</sup>  
 16 That his role exceeded by far that of a messenger  
 17 between the two governments and that he usurped the  
 18 position of a policy making official far beyond the  
 19 scope of his ambassadorial duties, is clear from two  
 20 telegrams sent by Erdmannsdorf, head of the Japanese  
 21 Section of the German Foreign Office,<sup>d.</sup> one addressed  
 22 to Von Rintelen and dated 18 October 1941<sup>e.</sup> and the  
 23 QQ-95. d. Ex. 1097, T. 40036; e. Ex. 3508, T. 34026.  
 24 QQ-96. a. T. 34272; b. Ex. 3508, T. 34026.  
 25 c. T. 34271. d. T. 34274.  
 e. Ex. 3823-A, T. 37967-8.

1 other addressed to Ribbentrop and dated 17 November  
2 1941.<sup>f.</sup> Both telegrams dealt with conversations  
3 Erdmannsdorf had with OSHIMA on the dates indicated.  
4 OSHIMA, in cross-examination, first denied that there  
5 was any occasion on which he talked with a section  
6 chief of the German Foreign Office but later narrowed  
7 his denial down to "official discussions" and when  
8 asked specifically about the purport of the discussion  
9 reported in the above-mentioned telegram of 17 November  
10 1941, he stated evasively that he did not recall his  
11 utterances mentioned therein.<sup>g.</sup>

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25 QQ-96. f. Ex. 665, T. 7117.  
g. T. 34274-6.

According to the telegram of 18 October 1941,  
1 OSHIMA replied to a remark by Erdmannsdorf regarding  
2 the appearance of new Russian divisions from Siberia  
3 on the German front that it would be good if the  
4 Japanese Army by means of a push into East Siberia  
5 contributed to the restoration of a land connection  
6 between Germany and Japan, that he had often submitted  
7 proposals to that effect to his government and that he  
8 hoped that actions in accordance therewith would soon  
9 be taken. According to a portion of the telegram dated  
10 17 November 1941, which was not read in evidence,  
11 OSHIMA stated that he was of the opinion that in view  
12 of the time of the year military operations against  
13 the Soviet Union could take place only on a limited  
14 scale but that an attack on Vladivostok or even an  
15 advance toward Lake Baikal at this time of the year was  
16 scarcely possible and would, under present circumstances,  
17 have to be postponed until spring.  
18

19 QQ-97. OSHIMA's plan of an advance of the  
20 Japanese Army against Vladivostok and in the direction  
21 of Lake Baikal was promptly taken up again the follow-  
22 ing spring by Ribbentrop. OSHIMA stated in a conference  
23 with Ribbentrop on 23 March 1942 that although he had  
24 received no official communications on the Japanese  
25 intentions he agreed with Ribbentrop that an advance

1 of the Japanese armies against Vladivostok and in the  
2 direction of Lake Baikal would be of special signifi-  
3 cance and that he would do everything on his own ini-  
4 tiative to have his government undertake the advance  
5 against Vladivostok and East Siberia this year as he  
6 was of the opinion that such a good opportunity would  
7 never return.  
8 a.

9 QQ-98. OSHIMA's contention that he was not in  
10 favor of a Japanese attack on Russia and that he merely  
11 performed his ambassadorial duty of reporting German  
12 requests to his government, is also disproved by a  
13 memorandum from Weiszaecker to Ribbentrop dated 21 April  
14 1942. For, in this memorandum Weiszaecker explicitly  
15 reported that OSHIMA, of his own accord, stated how  
16 matter of course it seemed to him that Japan should  
17 attack the Russians in East Asia and assured Weiszaecker  
18 that he was working hard to put an end to the wholly  
19 unnatural situation in which Japan was still living in  
20 peace and close neighborliness today with the Russian  
21 enemy so furiously engaged by Germany.  
22 a.

23 QQ-99. While all the evidence mentioned shows  
24 that Germany did not request Japanese participation  
25 in the war against the Soviet Union during the period  
dealt with up to now and while, as is stated above,

(QQ-97. a. Ex. 3819, T. 37,944.  
QQ-98. a. Ex. 3821, T. 37,958-9.)

OSHIMA contends that the only official request of this

1 nature was made in the summer of 1943,<sup>a.</sup> it appears  
2 from the memorandum of a conference between Ribbentrop  
3 and OSHIMA on 9 July 1942, that on this date Ribben-  
4 trop suggested the advisability of a Japanese attack  
5 on Russia. Although OSHIMA apparently did not con-  
6 sider this an "official request," his reaction was  
7 instantaneous and unequivocal. He stated that he was  
8 convinced of the imperativeness of a Japanese attack  
9 on Russia and promised to report immediately to Tokyo  
10 in accordance with the explanations of Ribbentrop who  
11 had just given an account of German successes. The  
12 memorandum notes that OSHIMA seemed very enthusiastic  
13 over the idea.<sup>b.</sup>

14 QQ-100. When OSHIMA transmitted Ribbentrop's  
15 suggestion, he added his own point of view that "an  
16 early advance against Russia and intensive action to  
17 paralyze English shipping in the Indian Ocean was  
18 proper." On 30 July 1942, in conveying the Japanese  
19 reply -- namely, that under the circumstances action  
20 by Japan against the Soviet Union would bring about too  
21 great a dispersion of Japan's strength -- he added that  
22 personally he shared the understanding that a uniquely  
23 favorable opportunity presented itself to Japan to  
24

25 QQ-99. a. T. 34,271.

b. Ex. 3816-A, T. 37,925.)

1 deal a blow to the Russians and moreover the Japanese  
2 Army had also advocated the opinion that such action  
3 against Russia was necessary, that he himself had  
4 proposed again and again to utilize the opportune  
5 moment and this would be also borne in mind in Japan  
6 and that he certainly was for conducting a thrust  
7 against Russia, too, in spite of the necessity of opera-  
8 tions in the southern theater. He also stated that he  
9 did not consider the answer which had just reached him  
10 as the last and that perhaps an action against Russia  
11 might yet be possible before October. It is significant  
12 that at the time of this conference it is OSHIMA who  
13 stated that in his opinion the advance to the north was  
14 the question on which Japan's fate hung and which ~~he~~ was  
15 always reiterating to his government and Ribbentrop  
16 who only observed that he shared OSHIMA's views com-  
17 pletely and hoped that Japan might soon feel strong  
18 enough to risk the advance into the north.  
19 a.

20 THE PRESIDENT: We will recess for fifteen  
21 minutes.

22 (Whereupon, at 1045, a recess was  
23 taken until 1100, after which the proceedings  
24 were resumed as follows:)

25 (QQ-100. a. Ex. 3822-A, T. 37,961-5.)

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MARSHAL OF THE COURT: The International  
1 Military Tribunal for the Far East is now resumed.

2 MR. TAVENNER: May it please the Tribunal:

3 QQ-101. In March, 1943, the Japanese Govern-  
4 ment and Imperial Headquarters deliberated concerning  
5 a German request to attack Russia. It is to be assumed  
6 that this is the request which OSHIMA considered to be  
7 "official." In a conference with Ribbentrop on 6  
8 March 1943, OSHIMA transmitted the results of these  
9 deliberations, namely, that the Japanese Government had  
10 full understanding of the desires of its German ally  
11 but felt that it was unable in view of her present war  
12 situation to enter into the war. OSHIMA elaborated on  
13 this by stating that what decided the issue for Japan  
14 was whether she had sufficient forces and whether her  
15 armament capacity was sufficient in order to attack and  
16 defeat the Russians in addition to the enemies Japan al-  
17 ready had without endangering her operations on other  
18 fronts. He stated that he knew that for a long time  
19 Japan had the intention of turning against Russia but  
20 for the time being she evidently did not feel strong  
21 enough to do so. A portion of the memorandum of this  
22 conference which was not read into evidence shows that  
23 he also added that Japan was armed if Russia should  
24 attack but that insufficient forces were ready for an  
25

a.  
attack on them.

1 QQ-102. In a subsequent conversation with  
2 Ribbentrop on 18 April 1943, OSHIMA assured Ribbentrop  
3 that Japan would certainly attack Russia if success in  
4 that direction could in any way be expected and that he  
5 understood that for the last twenty years plans of the  
6 General Staff had been worked out for an attack on  
7 Russia and were still directed toward such an attack, a.  
8 and as late as September, 1944, in a conference in which  
9 Hitler held out the hope that he would again go on the  
10 offensive against the Red Army at some future date,  
11 OSHIMA assured him that Japan would fight on the side  
12 of Germany until final victory had been achieved and  
13 that it would use its last troops to realize this as  
14 there was only one road for Japan which it would follow  
15 to the end. b.

17 QQ-103. Just as OSHIMA denied the contents of  
18 Ribbentrop's and Ott's telegrams of 28 June 1941 and of  
19 Erdmannsdorf's wire of 17 November 1941, so did he deny  
20 having any recollection of his conference with Ribben-  
21 trop on 23 March 1942, a. having had a conference with  
22 Weiszaecker on 21 April 1942, b. having made the statement

24 (QQ-101. a. Ex. 812-A, T. 8014-8.

QQ-102. a. Ex. 839-A, T. 8176-7.

b. Ex. 3861, T. 38519-20.

25 QQ-103. a. T. 34277.

b. T. 34277.)

ascribed to him in the memorandum about the conference  
1 with Ribbentrop on 9 July 1942,<sup>c.</sup> and having any  
2 recollection of his remarks in the conferences with  
3 Ribbentrop on 30 July 1942,<sup>d.</sup> and 6 March 1943.<sup>e.</sup> We  
4 submit that this uninterrupted denial of evidence con-  
5 tained in official German documents originating from a  
6 variety of German officials and covering conferences he  
7 had during the period of almost two years can only serve  
8 to destroy utterly the credibility of OSHIMA as a wit-  
9 ness. These documents show conclusively that OSHIMA  
10 continuously used his position in accord with his  
11 German co-conspirators to influence his Government in  
12 the direction of an aggressive war against the Soviet  
13 Union.  
14

15 I. OSHIMA Negotiated for German Participation  
16 in the Japanese War Against the United States and Con-  
17 clusion of a "No Separate Peace Pact" and Co-operated in  
18 the Waging of a Joint War.

19 QQ-104. As we have seen, the fundamental  
20 principle of the Tri-Partite Pact was to establish the  
21 so-called New Order in East Asia, Europe and Africa, and  
22 the co-operation of the Axis Powers was pledged to its  
23 accomplishment. The military alliance proposed in 1939  
24

25 (QQ-103. c. T. 34278-80.  
d. T. 34281-2.  
e. T. 34283.)

1 contained an obligation that in the event of war, peace  
2 would only be concluded jointly.<sup>a.</sup> At the Privy  
3 Council meeting which approved the Tri-Partite Pact,  
4 MATSUOKA stated that if war should break out, the Tri-  
5 Partite powers would immediately come to an agreement on  
6 a "no separate peace pact."<sup>b.</sup> In reply to an inquiry  
7 from the Japanese Army submitted through Ambassador Ott  
8 on November 18, 1941, Ribbentrop advised that the idea  
9 of concluding peace or armistice only jointly in case  
10 Japan or Germany became involved in war against the  
11 United States, no matter for what reason, was looked  
12 upon as natural, and that Germany would be willing to  
13 make a corresponding statement in an agreement.<sup>c.</sup> When  
14 this message was delivered to the Japanese Army on or  
15 prior to November 23, 1941, General OKAMOTO said that he  
16 was very pleased to find the fact once more confirmed  
17 that Germany would not leave Japan in the lurch in case  
18 of a conflict with the United States, and he inquired  
19 whether Germany would consider herself to be at war with  
20 the United States in the event Japan commenced the war.  
21 He further advised that the Army was insisting on speed-  
22 ing up the decision for an advance in the south since the  
23 season favorable for such an operation was imminent.<sup>d.</sup>

24 (CC-104. a. Ex. 502, T. 6099.  
25 b. Ex. 552, T. 6355.  
c. Ex. 601, T. 6638.  
d. Ex. 602, T. 6640-1.)

1 That the Axis powers at this time construed the pact as  
2 obligating military participation of all three nations  
3 in the event anyone should become involved in war with  
4 the United States, regardless of the reason for the war,  
5 is plain from the conduct and declarations of the co-  
6 conspirators. A leading official of the Foreign Ministry  
7 stated that it had always been the opinion of MATSUOKA  
8 that the provisions of Article III of the Tri-Partite  
9 Pact were to be considered as applicable in any conflict  
10 between one of the three powers and the United States,  
11 except in the case, for example, where one of the three  
12 powers would attack without reason the American conti-  
13 nent.<sup>e.</sup> As we have just seen, Ribbentrop pledged sup-  
14 port in a Japanese war against the United States,  
15 regardless of the reason bringing about such a war.  
16 When Mussolini was asked what Italy would do if Japan  
17 would declare war on the United States, he pledged mili-  
18 tary support to Japan and stated, Italy "is obligated to  
19 do so under the terms of the Tri-Partite Pact."<sup>f.</sup>

20 QQ-105. After overtures were made by the Japa-  
21 nese Army through Ott, formal diplomatic negotiations  
22 were conducted through OSHIMA. There were two main ob-  
23 jectives to be accomplished, a declaration recognizing  
24 German duty of participation in the Japanese war against  
25 (QQ-104. e. Ex. 608, T. 6664.  
f. Ex. 606, T. 6659.)

the United States and the conclusion of an agreement that no separate peace would be made without joint approval. Although OSHIMA did not deny his participation in the negotiations aimed at these two objectives, he attempted to minimize the importance and effectiveness of his efforts. He denied any recollection of a conference with Ribbentrop on November 29th or the dispatching of a telegram advising Tokyo of the results of that conference, notwithstanding the intercepted message was

a. introduced in evidence. With regard to the two paramount questions, OSHIMA in this telegram quoted Ribbentrop as saying: "Should Japan become engaged in a war against the United States, Germany, of course, would join the war immediately. There is absolutely no possibility of Germany's entering into a separate peace with the United States under such circumstances. The Fuehrer is determined on that point." As an indication of

OSHIMA's view of the importance of the statement, he requested that a copy of the telegram be shown to the Army and Navy authorities in Tokyo. b. Notwithstanding

the receipt of this word from Ribbentrop, OSHIMA was directed to confer also with Hitler. c. OSHIMA claimed that despite his urgings the German reply was postponed

(CC-105. a. Ex. 3508, T. 34030; Ex. 603-A, T. 6644-50.  
b. Ex. 603-A, T. 6650.  
c. Ex. 604, T. 6652.)

day by day until December 7th.<sup>d.</sup> That Germany was responding to OSHIMA's urgings is apparent, however, from the fact that on December 5th Ribbentrop submitted for hurried action to Mussolini a plan for triple action on Japanese intervention in the war and a pledge not to make a separate peace.<sup>e.</sup> On December 11, 1941, the

obligations of the Tri-Partite Pact were recognized by the conclusion of a treaty in which the three powers agreed to wage war in common against the United States, promised not to lay down arms until the common war was successfully concluded, and pledged that they would not conclude an armistice or peace with either the United States or the British Empire without a complete understanding between themselves.<sup>f.</sup> On December 14, 1941,

Hitler gave a reception in OSHIMA's honor, at which he presented him with the Grand Cross of the Order of Merit of the German Eagle in gold in recognition of his services in the achievement of German-Japanese co-operation which had finally culminated in a close brotherhood of arms. OSHIMA expressed his delight that this brotherhood of arms had come into fruition.<sup>g.</sup>

QQ-106. OSHIMA having succeeded in negotiations for the final step in the perfection of the conspirator's plans to align other aggressive nations with Japan in

(QQ-105. d. Ex. 3508, T. 34035. f. Ex. 51, T. 6668-9.  
e. Ex. 607, T. 6662. g. Ex. 609, T. 6671-80.)

1 carrying out the objects of the conspiracy, it only  
2 remained necessary to implement those plans. OSHIMA  
3 began at once by delivering a comprehensive lecture at  
4 Hitler's reception on the war situation in the Pacific  
5 and in the Archipelago area. He demonstrated by the  
6 use of a map the successes of the Japanese air forces  
7 and fleet in the Philippines and in the Malay Peninsula.  
8 He spoke of Japan's turning toward India after the  
9 capture of Singapore and emphasized the necessity of  
10 synchronization of German and Japanese operations. Prior  
11 to this time, the Japanese Government had been of great  
12 assistance by turning over to Germany the new invention  
13 of aerial torpedoes. OSHIMA informed Hitler that land-  
14 ing warfare had been greatly developed and practiced in  
15 Japan during the past thirty years and that exercises in  
16 this type of warfare had been carried out with great  
17 energy on the island of Hainan. He suggested that this  
18 and other methods of warfare developed by Japan should  
19 be studied by Germany. a.

20  
21 CC-107. The next step in the implementation of  
22 the plans of the conspirators was the conclusion on  
23 January 18, 1942, of the military agreement in the  
24 spirit of the Tri-Partite Pact by which the world was  
25 divided into zones for operational co-operation between  
(CC-106. a. Ex. 609, T. 6671-80.)

1 the Axis powers. Well defined zones were assigned the  
2 respective powers in which each should carry out the  
3 required operations. The general operations plan con-  
4 templated that Japan, working together with the Germans  
5 and the Italians, would carry out operations in the  
6 South Sea areas, in the Pacific, and in the Indian  
7 Ocean. The agreement also provided for collaboration  
8 in the planning and conducting of economic warfare and  
9 collaboration concerning psychological warfare.<sup>a.</sup> OSHIMA  
10 stated on cross-examination that he had nothing to do  
11 with this agreement and went so far as to state that he  
12 knew nothing of its contents. Yet, in starting negoti-  
13 ations for economic co-operation in a conference with  
14 Ribbentrop on January 2, 1942, he stated that these  
15 negotiations should be "parallel to the conversations on  
16 military co-operation" then under way.<sup>b.</sup> The witness  
17 NOMURA admitted that OSHIMA made contacts for the opening  
18 of the negotiations,<sup>c.</sup> but this limitation of OSHIMA's  
19 participation is hardly plausible, if it is considered  
20 that, according to a statement made by him at the time,  
21 the main line of policy was to be laid down exclusively  
22 by him and Ribbentrop, while the Army, air force and  
23 Navy were to discuss "individual questions."<sup>d.</sup> There

24 (99-107. a. Ex. 49, T. 6681-6.  
25 b. Ex. 3812-A, T. 37906.  
c. T. 26586.  
d. Ex. 3813-A, T. 37912.)

1 can be no doubt that the agreement belonged to the  
2 former category and, therefore, to OSHIMA's field of  
3 activities, although he did not sign the document.

4 CC-108. It may be noted that actual co-operation  
5 in pursuance of the Tri-Partite policy started long  
6 before December 7, 1941, and was not directed only  
7 against countries with whom Japan was at war. Exchange  
8 of intelligence about the U.S.S.R. was carried on con-  
9 tinually since 1937 except for a temporary cessation  
10 after the signing of the Russo-German Non-Aggression  
11 Pact.<sup>a.</sup> This was done under OSHIMA's supervision<sup>b.</sup> not  
12 only while he was Military Attache but also after he be-  
13 came Ambassador as is shown by the testimony of the wit-  
14 ness NOHARA<sup>c.</sup> and the documents introduced in evidence<sup>d.</sup>  
15 through his affidavit. While he was Ambassador, the  
16 Germany counterespionage organization co-operated in<sup>e.</sup>  
17 his subversive activities.  
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24 (CC-108. a. Ex. 487, T. 6022.  
25 b. Ex. 488, T. 6023-4.  
c. Ex. 811, T. 7995-8.  
d. T. 8011-2.  
e. Ex. 489, T. 6026.)

1 QQ-109. On February 23, 1941, Ribbentrop  
 2 explained to OSHIMA that the closest cooperation in  
 3 all spheres, particularly in regard to news service  
 4 and the press, was necessary for the common prosecution  
 5 of the war such as had already been arranged with  
 6 Italy, Rumania, Hungary, Slovakia and Bulgaria.  
 7 OSHIMA advised that he intended to set up a program  
 8 with German representatives for the intensification  
 9 of Japanese propaganda<sup>a.</sup> and established a newspaper  
 10 division within the Japanese Embassy under the  
 11 management and control of Minister SAKUMA.<sup>b.</sup> The  
 12 cooperation in the use of the propaganda weapon was  
 13 directed especially toward India and the Arabian  
 14 countries<sup>c.</sup> indicating the world wide scope of the  
 15 conspiracy between the aggressor nations of Asia and  
 16 Europe. In Directive #24, which, as has been shown,  
 17 followed closely OSHIMA's conference with Ribbentrop  
 18 on February 23, 1941,<sup>d.</sup> Hitler emphasized the necessity  
 19 of strengthening the Japanese war potential and directed  
 20 the high commands of the branches of the armed forces  
 21 to meet in a comprehensive and generous way the demands  
 22 of the Japanese concerning communication of German

23 QQ-109. a. Ex. 571, T. 6,465  
 24 " b. T. 34,248-9  
 25 " c. T. 34,250  
 " d. QQ-73, supra.

warfare and combat experiences and to assist in matters of war economy and techniques.<sup>c.</sup> On March 29, 1941 Ribbentrop stated to MATSUOKA that he had discussed with Ambassador OSHIMA the question of German assistance in the blow against Singapore and offered MATSUOKA the advice of German experts on aerial warfare regarding the use of dive bombers against the British fleet in Singapore and information concerning Hitler's new method of attack on strongly fortified positions as well as Hitler's advice on the best method of attacking Singapore in particular. For the latter proposal, OSHIMA was requested to procure a map of Singapore.<sup>f.</sup> The exchange of military discoveries and experiences is exemplified by the presentation of a newly invented German armor-piercing grenade to Japan,<sup>g.</sup> the transfer of two German submarines to the Japanese Navy as samples, which has been treated elsewhere,<sup>h.</sup> the supplying of Japanese aerial torpedoes and blue prints for them to Germany,<sup>i.</sup> and the offer to give the benefit of Japanese experience in landing operations to Germany both by bringing German officers to Japan<sup>j.</sup> and by placing Japanese officers at the

QQ-109. e. Ex. 573, T. 6,470  
 " f. Ex. 580, T. 6,529-30  
 " g. T. 34,253  
 " h. TT-16  
 " i. Ex. 609, T. 6,676-7  
 " j. Ex. 609, T. 6,679

k.

disposal of the German Army.

1           QQ-110. In spite of the fact that no state  
2 of war existed and a neutrality pact had been concluded  
3 between the U.S.S.R. and Japan, Japan's cooperation  
4 with Germany extended to activities against Russian  
5 shipping,<sup>a.</sup> and, even before Japan was in a state  
6 of war with the United States, to the prevention of  
7 American deliveries of military supplies to Russia.<sup>b.</sup>  
8 On June 22, 1941, the very day of the German attack  
9 on the Soviet Union, OSHIMA sent a telegram to MATSUOKA  
10 stating that Ribbentrop called Japan's attention to  
11 an alleged withdrawal of Russian troops from the Far  
12 East. Whether a specific request for some Japanese  
13 action to prevent such movements was included in the  
14 telegram or not, MATSUOKA explained spontaneously  
15 that he would immediately propose counter measures.<sup>c.</sup>  
16

17 QQ-109. k. T. 34,253

18 QQ-110. a. Ex. 812-A, T. 8,014; Ex. 813, T. 8,026;  
19 Ex. 778, T. 7,903, 8,033-4; Ex. 815, T. 8,036;  
20 Ex. 816, T. 8,037; Ex. 817, T. 8,041; Ex. 818,  
21 T. 8,042; Ex. 819, T. 8,044; Ex. 820,  
22 T. 8,045; Ex. 821, T. 8,047; Ex. 822,  
23 T. 8,049; Ex. 823, T. 8,051; Ex. 824,  
24 T. 8,053.  
25       " b. Ex. 795-A, T. 7,958; Ex. 795-A, T. 8,031;  
Ex. 814, T. 8,032-3.  
      " c. Ex. 795-A, T. 7,959.

1                    QQ-111. To achieve military cooperation,  
 2 it was necessary to keep the other partner informed  
 3 on the progress of operations in numerous conferences  
 4 which are referred to in the summation. It may suffice  
 5 here to mention some examples: At the end of July  
 6 or beginning of August 1941 Keitel was invited by  
 7 Ribbentrop to explain the situation of the Russian  
 8 front to OSHIMA, <sup>a.</sup> on December 14, 1941 OSHIMA gave  
 9 Hitler a comprehensive lecture on the war situation  
 10 in the Pacific and the Archipelago area <sup>b.</sup> and in  
 11 1943 Japanese officers, clothed as couriers and  
 12 embassy secretaries, came to Berlin to deliver particulars  
 13 concerning the military situation and Japanese forces  
 14 and plans. OSHIMA, while admitting the arrival of  
 15 these persons, denied that they actually brought and  
 16 delivered plans for future operations. <sup>c.</sup> Negotiations  
 17 for the delivery of two German submarines were initiated  
 18 by the Japanese and formal request therefor was made  
 19 by Ambassador OSHIMA. <sup>d.</sup> As is shown elsewhere, this  
 20 was part of a common program for the intensification  
 21 of tonnage warfare, that is, the sinking of merchant  
 22 vessels by submarines. <sup>e.</sup>

- 24    QQ-111.    a. Ex. 776, T. 7,973, T. 34,273  
      "        b. Ex. 609, T. 6,678  
 25    "        c. T. 34,256  
      "        d. Ex. 3911, T. 38,878; Ex. 3817, T. 37,932  
      "        e. TT-16-7.

1                    QQ-112. As contemplated by the military  
2 agreement of January 18, 1942, Japan, Germany and  
3 Italy waged a joint or common war. With the exception  
4 of the joint operational plans executed by Germany  
5 and Japan in the Indian Ocean, the operational  
6 activities of each nation were in the main confined  
7 to the zones designated for each nation in the military  
8 agreement. By the timing of operations, the Tri-Partite  
9 powers secured the greatest possible advantage in that  
10 the United States and the British Commonwealth of  
11 Nations were required to divide and scatter their  
12 forces on land and sea in widely separated areas of  
13 the world, and the Soviet Union in resisting the  
14 German aggression was required to divide its forces  
15 to meet the ever-present threat on its eastern border.  
16 Coordination of this global-war effort on the part  
17 of the Axis powers required collaboration in the  
18 field of economics and propaganda as well as in the  
19 conduct of military and naval warfare. That OSHIMA,  
20 who occupied the most important ambassadorial post  
21 in Europe, aided and abetted in this collaboration  
22 is abundantly clear from his proven declarations and  
23 conduct, which appear under the general heading  
24 "Cooperation Under the Tri-Partite Pact" of this  
25 summation.

VIII. CONCLUSION

1            QQ-113. The law of conspiracy and the  
2 principles covering the individual responsibility of  
3 the accused have been fully argued.<sup>a.</sup> Reference is  
4 made to the foregoing arguments rather than repeat  
5 them in applying the law to the facts relating to this  
6 accused. The case against OSHIMA is presented upon  
7 two parallel theories. The first theory is that as  
8 a member of the conspiracy charged, OSHIMA, both as  
9 Military Attache and as Ambassador, played an important  
10 part in effectuating the common plan of conspiracy  
11 by negotiating the various treaties which were an  
12 integral part of the conspiracy and by collaboration  
13 with the Axis powers pursuant to the common plan of  
14 the conspirators. Once having joined the conspiracy,  
15 his acts in furtherance of its aims and objects, it  
16 is submitted, cannot be defended on the theory of  
17 diplomatic immunity even if it be contended those  
18 acts were confined to the normal functions of a military  
19 attache or an ambassador. The second and parallel  
20 theory is that OSHIMA's activities transcended the  
21 normal functions of a military attache and ambassador.  
22 By his declarations and conduct he endeavored to guide  
23

24  
25 QQ-113.    a. Summation, C-1-20  
             "    i. Summation, I-1-12  
                     Summation, K-1-22.

1 and influence the policy of his Government in line  
2 with the objectives of the common plan of his co-  
3 conspirators.

4 QQ-114. In conclusion, it is respectfully  
5 submitted that the entire evidence summarized herein  
6 establishes beyond a reasonable doubt that OSHIMA  
7 is guilty of the conspiracy counts (1 to 5, inclusive)  
8 charged in the Indictment. With respect to the  
9 remaining counts enumerated under heading "II," the  
10 same evidence, it is submitted, constitutes indubitable  
11 proof of OSHIMA's guilt as an aider and abettor in  
12 the commission of the substantive offenses charged  
13 therein.

14 If it please the Tribunal, Lieutenant Kurt  
15 Steiner, an attorney of our staff, will proceed for  
16 the prosecution.

17 THE PRESIDENT: Lieutenant Steiner.

18 LIEUTENANT STEINER: May it please the  
19 Tribunal, I shall read the summation of evidence  
20 regarding SATO, Kenryo.

21 THE PRESIDENT: Yes, Lieutenant Steiner.  
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1           LIEUTENANT STEINER: RR-1. The accused  
2 SATO is charged in Counts 1 to 17, 20 to 22, 24, 27  
3 to 32, 34, 37 to 44, 48 to 50, and 53 to 55 of the  
4 Indictment.

5           I. GENERAL - BIOGRAPHICAL.

6           RR-2. Prior to the 1st August 1936 SATO  
7 had held various military appointments none of which  
8 had any particular significance in relation to our  
9 present purpose. On that date he was for the third  
10 time in the space of eight years ordered to be  
11 attached to the Army Ordnance Main Depot. In addi-  
12 tion he was appointed a staff member of the Military  
13 Affairs Bureau. On the 1st March 1937 he was pro-  
14 moted to the rank of Lieutenant-Colonel, and on the  
15 24th June he was appointed as an investigator of the  
16 Planning Office. In August he was commissioned as a  
17 special member of the North China Incident General  
18 Mobilization Business Affairs Committee; the name of  
19 which was altered about a month later to the China  
20 Affair General Mobilization Business Affairs Committee.  
21 Towards the end of October 1937 the post of investi-  
22 gator of the Planning Board was abolished but SATO  
23 was a month later appointed as secretary of the Board.  
24 On the 15th July 1938 he was promoted to the rank of  
25 Colonel, appointed a member of the Cabinet Information

1 Board Committee and ordered to serve concurrently  
2 in the Military Affairs Bureau. At about the same  
3 time he was relieved of his appointments on the  
4 Planning Board and the China Affair General Mobiliza-  
5 tion Business Affairs Committee. On the 12th  
6 December 1938 he was released from his position as  
7 a member of the Cabinet Information Board Committee.<sup>a.</sup>

8 RR-3. Later in the same month he was  
9 appointed professor of the Army Air Corps School at  
10 Hamatsu and in May 1939 he went to China as a staff  
11 officer of the South China Expeditionary Force. In  
12 the summer of 1940 he went to French Indo-China as  
13 Assistant Chief of Staff of that force. This was the  
14 first of three or four visits of up to ten days  
15 duration that he made to French Indo-China whilst  
16 holding that appointment. In March 1941 he returned  
17 to Japan and took up the appointment of Chief of the  
18 Military Affairs Section of the Military Affairs  
19 Bureau.<sup>a.</sup>

20  
21 RR-4. On the 14th March 1941 he was appointed  
22 Government Commissioner dealing with affairs under  
23 the jurisdiction of the War Department in the 76th  
24 Diet, and was so appointed for every succeeding Diet

25 RR-2. a. Ex. 122, T. 775. RR-3. a. Ex. 2238A, T. 16083.

1 until he left the War Department at the end of  
 2 December 1944. On the 15th October 1941 he was pro-  
 3 moted to the rank of Major-General.<sup>a.</sup>

4 RR-5. In April 1942 SATO was appointed  
 5 Chief of the Military Affairs Bureau in succession  
 6 to the accused MUTO, and held this appointment until  
 7 the 14th December 1944 when he was made Assistant  
 8 Chief of Staff of the China Expeditionary Force.<sup>a.</sup>

9 On the 1st March 1945 he was promoted to the rank of  
 10 Lieutenant-General and on the 7th April was appointed  
 11 as Commander of the 37th Division<sup>b.</sup> which was then in  
 12 Indo-China, but subsequently moved to Thailand. SATO  
 13 was serving in this capacity until the Japanese  
 14 surrender.<sup>c.</sup>

15  
 16 II. ACTIVITIES PRIOR TO HIS APPOINTMENT  
 17 AS CHIEF OF THE MILITARY AFFAIRS SECTION OF THE MILITARY  
 18 AFFAIRS BUREAU IN MARCH 1941.

19 RR-6. Whilst SATO held his appointments with  
 20 the Cabinet Planning Board between 24th June 1937 and  
 21 15th July 1938, the Board was engaged in a project of  
 22 outstanding importance, namely the planning of prepar-  
 23 ations for a large scale war. The development and  
 24 character of these plans are explained in detail in

25 RR-4.

a. Ex. 122, T. 775.

RR-5.

a. Ex. 2238A, T. 16083.

b. Ex. 122, T. 775.

c. Ex. 2238A, T. 16083.

paragraphs F-2 to F-3 of the General Summation to  
 which the Tribunal is respectfully referred. Whether  
 the "Outline of Japanese Army's Five Year Plan"<sup>a</sup>.  
 was, as the prosecution contends, a summary of  
 "Outline of the Five Year Plan for Production of  
 War Materials"<sup>b</sup>. or, as defense witness OKADA claims,<sup>c</sup>.  
 a summary of a part of "Particulars in Framing a  
 Program for Extension of Important Industries"<sup>d</sup>. is  
 immaterial for the present purpose as both clearly  
 aim at a huge increase in the war potentials with  
 1941 as its goal. The "Outline of Japanese Army's  
 Five Year Plan"<sup>e</sup>. is accompanied by a covering note,  
 dated 13th July 1937 and addressed to the accused  
 HIROTA, who was at that time holding the position of  
 President of the Planning Board,<sup>f</sup>. stating that every  
 Ministry would make a draft and that as soon as the  
 programs had been drafted they should be submitted  
 to the Planning Board for execution. Moreover,  
 "Particulars in Framing a Program for Extension of  
 Important Industries," which OKADA says was shown to  
 all the Ministries<sup>g</sup>. contains the "Outline of the  
 Plan for the Expansion of Productive Power" which was

RR-6.

a. Ex. 2227, T. 15980.  
 b. Ex. 841, T. 8261.  
 c. T. 18326; T. 18328.  
 d. Ex. 842, T. 8264.

e. Ex. 2227, T. 15980.  
 f. T. 29659.  
 g. T. 18329.

1 made by the Planning Board and approved by the  
2 Cabinet in January 1939.<sup>h.</sup> It is thus apparent that  
3 the Planning Board had been working on this plan  
4 from shortly after 13th July 1937 and throughout  
5 the period during which SATO was one of its members.  
6 It is furthermore apparent that in his position,  
7 SATO must have participated in the creation of these  
8 plans, especially in view of the fact that he was  
9 detailed to his position with the Planning Board  
10 by the Army which had originated these plans and to  
11 which they, by their nature, were of great concern.  
12 This is borne out by the fact that he later was chosen  
13 to facilitate the passage of the National General  
14 Mobilization Law -- one of the devices envisioned in  
15 these plans -- as "explainer" before the Diet<sup>i.</sup> and  
16 by a speech which he made later, on 11th March 1942,  
17 in which he pointed with some pride to the advantages  
18 this plan and its execution had for the Greater East  
19 Asia War which was then already under way.<sup>j.</sup>  
20

21 RR-7. Further evidence, showing that his  
22 contribution to the conspiracy during the early stages  
23 of his participation consisted in the planning of  
24 preparations for war, is provided by his being a member

25 RR-6.

h. Ex. 842, T. 8264.

i. Ex. 2238-A, T. 16083;

Summation F 22-3.

j. Ex. 849, T. 8413-5;  
Summation F-31.

1 of the China Affair General Mobilization Committee  
2 from August 1937 to July 1938.<sup>a</sup> It was very probably  
3 on account of this wide knowledge of the preparations  
4 for war that had been made, and were to be made, that  
5 he was chosen to act as "explainer" to the Diet of  
6 the General Mobilization Law and so facilitate its  
7 passage.<sup>b</sup> This was in February 1938. The General  
8 Summation, paragraphs F 22-9, explains how by the  
9 adoption of this law Japan became a totalitarian  
10 state, committed to a policy of expansion. The  
11 Tribunal's attention is respectfully invited to these  
12 paragraphs. It has already been stated that for SATO  
13 his contribution to the passage of this law was a  
14 continuation of his work, aiming in the same direction,  
15 in the Cabinet Planning Board.<sup>c</sup> He found this law  
16 "a necessity" and objections to it "unnecessary."  
17 As he himself says in his interrogations: "The  
18 Government was unable to explain this (i.e., the  
19 implications of the General Mobilization Law) satis-  
20 factorily to the Diet, and of those present before  
21 the Diet, I was the only person capable of explaining  
22 the implications of the law," and, "Of the explanations  
23

24 RR-7.

25 a. Ex. 122, T. 775.

b. Ex. 84, T. 684; Ex. 2238A, T. 16083.

c. RR-6, supra.

1 given up to that time I feel sincerely that mine was  
2 the most powerful one given."<sup>d</sup>.

3 RR-8. On the 25th and again on the 28th  
4 August 1938, SATO delivered a speech at the Home  
5 Ministry to conferences of Chiefs of Police Depart-  
6 ments.<sup>a</sup> SATO was Army spokesman at the time,<sup>b</sup> and  
7 the defense claims that he delivered the speeches as  
8 part of his official duties.<sup>c</sup> Their importance here  
9 lies in the deep knowledge they show SATO to have had  
10 of Japan's plans for aggression against Russia and  
11 continued aggression against China. This is not  
12 merely a knowledge of the plans of the Army but also  
13 of the reactions of the other Ministries towards them.  
14 They forecast the fall of Hankow, the creation of a  
15 national defense zone embracing Japan-Manchukuo and  
16 China, the placing of Northern China under Japan to  
17 the same degree as Manchuria had already been placed,  
18 the use of Central China as a base for the develop-  
19 ment of Japanese economic interests and finally the  
20 preparation for a war against Russia. He also shows  
21 his awareness of the fact that 1942 is the focal date

22 RR-7.

23 <sup>d</sup>. Ex. 2238A, T. 16083.

24 RR-8.

25 <sup>a</sup>. Ex. 270, T. 3605; Ex. 2235, T. 16069;  
Ex. 3863 and 3864, T. 38576-7.

<sup>b</sup>. Ex. 2238, T. 16083.

<sup>c</sup>. Ex. 3531, T. 34439.

1 for a large scale war, as has already been submitted  
2 in paragraph RR-6. Thus he says, "It goes without  
3 saying that, by taking a war against Soviet Russia  
4 into consideration, it is necessary to secure Inner  
5 Mongolia, but it would be disadvantageous for us to  
6 purposely start a quarrel with Soviet Russia from  
7 our side at present in view of the fact that our  
8 forces against China and Soviet Russia would have to  
9 be split in two, so that we would have to choose the  
10 right opportunity in the event of our becoming forced  
11 to fight. Moreover, this must not be until after the  
12 war preparations and productive power have been  
13 amplified -- after 1942 -- for the said purpose."

14 In the course of the speech he criticises very freely  
15 the Cabinet and particularly the Foreign Office for  
16 offering China peace conditions which he deemed too  
17 mild, aligning himself clearly and openly with the  
18 moulders of Army policy against the Government, and  
19 indicating that he was at this time a party to the  
20 conspiracies charged in Counts 1 to 5 of the Indict-  
21 ment.  
22

23 RR-9. Reference has been made already in  
24 paragraphs G-27, G-31, G-35 to G-39, G-43 and G-44  
25 to the Japanese coercion of the French Vichy Govern-  
ment into allowing them to enter French Indo-China

1 under threat of a Japanese attack. SATO as Assistant  
2 Chief of Staff of the South China Expeditionary Force  
3 went to French Indo-China in the summer of 1940, that  
4 is at about the time of the Japanese entry into that  
5 country.<sup>a</sup> We have no particular evidence of his  
6 activities there. No doubt the invasion of French  
7 Indo-China was carried out in furtherance of the  
8 Japanese conspiracies to obtain military, naval,  
9 political and economic domination of the countries  
10 and parts referred to in Count 1 of the Indictment.  
11 The prosecution submits that from the time when SATO  
12 enters into the conspiracy to carry on an aggressive  
13 war he loses the shield of being a soldier carrying  
14 out his orders and becomes at international law a  
15 criminal committing a crime at all times when he is  
16 assisting or doing anything in furtherance of the  
17 conspiracy. It is therefore contended that SATO by  
18 carrying out his ordinary military duties in French  
19 Indo-China is committing a crime. The Japanese Army  
20 was there in violation of international law and SATO  
21 was a party to the conspiracy that had brought it  
22 there in violation of international law.

23 RR-10. Earlier, that is in 1939 or 1940,

24 RR-2:

25 a. Ex. 2238A, T. 16083; Ex. 620, T. 6933; Ex. 621,  
T. 6830.

1 SATO had served at the battle of Nanking in China,<sup>a.</sup>  
 2 and on the same reasoning is guilty of a crime in so  
 3 doing.

4 III. ACTIVITIES OF SATO WHILST HOLDING THE  
 5 APPOINTMENT OF CHIEF OF THE MILITARY AFFAIRS SECTION  
 6 OF THE MILITARY AFFAIRS BUREAU.

7 RR-11. The Military Affairs Bureau is divided  
 8 into two sections: (1) The Military Administration  
 9 Section; (2) The Military Affairs Section. Among the  
 10 matters entrusted to the latter section are those con-  
 11 cerning general affairs of national defense policy,  
 12 those concerning international regulations, and those  
 13 concerning army affairs of all foreign countries in-  
 14 cluding Manchuria and China.<sup>a.</sup>

15 The use of the words "defense policy" as a  
 16 euphemism for "policy of aggression" during the  
 17 period of the conspiracy at least after August 1936  
 18 has been dealt with at length in the General Summation.<sup>b.</sup>  
 19 It is thus clear that SATO's section was within the  
 20 War Ministry primarily concerned with the preparation  
 21 of this policy of aggression.  
 22

23 RR-12. The decision of the Army and Navy  
 24 Departments at Imperial Headquarters in April 1941 to

25 RR-10.

a. Ex. 3534, T. 34464.

RR-11.

a. Ex. 74, T. 684.

b. F-1, 2.

1 resort to war "in case the Empire's self-existence  
2 should be threatened by the embargoes of the United  
3 States, Great Britain and the Netherlands"<sup>a.</sup> is  
4 clearly a matter concerning 'national defense policy  
5 in general" considering the above-mentioned use of  
6 these words. In the absence of evidence to the  
7 contrary, we are compelled to assume that SATO's  
8 section was concerned with the preparation of this  
9 decision. Even before this, instructions had been  
10 given for the manufacture of Japanese invasion cur-  
11 rency for use in the Dutch East Indies, Borneo,  
12 Malaya, Thailand and the Philippines. In view of  
13 his section's duties with regard to military affairs  
14 of foreign countries, SATO must have known of this at  
15 the time. The fact that in October 1941 correspond-  
16 ence on this matter was directed to his section  
17 among others confirms the contention that his section  
18 was concerned in the preparation of these decisions.<sup>b.</sup>

19  
20 RR-13. When a crucial point in the develop-  
21 ment of the conspiratorial aims against the United  
22 States and Great Britain had arrived at the time of  
23 the fall of the Third KONOYE Cabinet in October 1941,  
24 it was SATO who lent himself to furthering these aims

25 RR-12.

a. Ex. 1305, T. 11751.

b. Ex. 852, T. 8447.

1 by promoting a TOJO Cabinet. The importance of  
2 SATO's position, his own personal influence and the  
3 degree to which TOJO relied upon him was shown by  
4 the fact that at that time he was sent by TOJO to  
5 explain to Senior Statesmen ABE and HAYASHI the  
6 difficulties which would be caused by the appointment  
7 of Prince HIGASHIKUNI as Prime Minister.<sup>a.</sup> The  
8 natural result of this was to clear the way for  
9 TOJO's succession to the Prime Ministership. The  
10 defense has endeavored to use ABE's account of this  
11 incident to discredit General TANAKA, Ryukichi. ABE  
12 said that on this occasion SATO had not suggested  
13 that TOJO be made Prime Minister, but had suggested  
14 that the Army desired the appointment of Prince  
15 HIGASHIKUNI.<sup>b.</sup> This evidence was tendered to show  
16 that TANAKA was wrong when he said that SATO had told  
17 him that he, SATO had seen the two veteran Generals,  
18 ABE and HAYASHI, and in the course of conversation had  
19 told them that unless TOJO was made Prime Minister  
20 the Army would be difficult to control.<sup>c.</sup> In the  
21 first place this cannot possibly affect TANAKA's  
22 credit. ABE deposes to a conversation between himself  
23 and SATO, whereas TANAKA deposes to the account of  
24

25 RR-13.

a. Ex. 3532, T. 34443.

b. Ex. 3526, T. 34402.

c. T. 15873

1 that conversation given him by SATO. Two significant  
2 factors emerge, the first that SATO's own account,  
3 given in his interrogations and put in evidence by  
4 the defense, corresponds in import more closely to  
5 that of TANAKA than that of ABE, and secondly the  
6 only man, other than TANAKA, who could give a correct  
7 account of the conversation between TANAKA and SATO,  
8 is SATO himself. SATO has not chosen to vary the  
9 account given in his interrogations.<sup>d.</sup>  
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RR-13.

d. Ex. 3532, T. 34443.

RR-14. SATO retained his position in the War  
1 Ministry after the replacement of the Third KONOYE  
2 Cabinet by the TOJO Cabinet and was on the 15th  
3 October, 1941, promoted to the rank of Major-General.  
4 In a certificate covering a document entitled "Principal  
5 reasons alleged for the commencement of Hostilities  
6 against the U.S.A. and Britain", dated the 11th Novem-  
7 ber, 1941, TANAKA, Ryukichi stated that to the best  
8 of his knowledge and belief the document "was prepared  
9 by or under the direction of SATO, Kenryo, then Chief  
10 of the Military Affairs Section of the Military Affairs  
11 Bureau." It sets out the reasons for Japan's deter-  
12 mination to fight the United States and Great Britain,  
13 and has endorsed upon it the words "Draft proposed for  
14 decision by the Liaison Conference." It shows that  
15 SATO knew of Japan's decision to precipitate a war  
16 and that he, or one of the members of his Section, had  
17 been busy preparing the Japanese apologia.<sup>a.</sup> For the  
18 defense HARA says that this document was never present-  
19 ed to the Liaison Conference but was made for the use of  
20 officials in the War and Navy Ministries and General  
21 Staffs, and that it was prepared collectively by mem-  
22 bers of those organizations.<sup>b.</sup> This witness in cross-  
23  
24  
25 RR-14. a. Ex. 1175, T. 10362  
b. T. 34452-3

examination admitted that the War Ministry was represented on the pre-Liaison Conference by a member of the Military Affairs Section, that the document referred to was adopted by this pre-Liaison Conference of the War and Navy Ministries and the General Staff, and that he himself cannot say whether it was or was not adopted precisely in the form in which it came from the Military Affairs Section.<sup>c.</sup> It is submitted that this evidence does not affect TANAKA's certificate except in so far as it asserts that the document was adopted at the Liaison Conference. Its importance here lies in the fact that it shows that SATO was aware that Japan was proposing to precipitate a war with the United States, Great Britain and Holland and was working in that direction.

RR-15. SATO admits that he was privy to the negotiations with America which were terminated by the outbreak of war. He states that when negotiations were under way with the United States, replies from the United States came from the Foreign Office to the War Ministry and thence to his bureau, that is, when they affected the Army.<sup>a.</sup> As Chief of the Military Affairs Section of the Military Affairs Bureau he must

RR-14. c. T. 34455-61

RR-15. a. Ex. 2238A, T. 16083

1 have known the extent and aims of the Japanese war  
2 preparations. As TANAKA, Ryukichi says, the General  
3 staff draws up the plans for operations but before they  
4 can be put into operation they must have the consent  
5 of the War Minister, and that monies and supplies for  
6 carrying out the operations are provided by the Military  
7 Affairs Bureau. It is the duty of the Military  
8 Affairs Bureau to prepare the estimates of army expenditure  
9 for the purpose of getting the budget through the  
10 Diet, and accordingly high ranking officers in that  
11 bureau must be familiar with the general nature of the  
12 Army's plans. b.

13 RR-16. On the 10th March 1942, SATO delivered  
14 a speech at the Army Day Celebrations at Hibiya Hall.  
15 In it he approbates Japan's launching her attacks on  
16 the Allies without any prior declaration of war, and  
17 points out that on account of the time of the monsoon  
18 season the 8th December was the last opportune moment  
19 for opening the war. He goes on to say that Japan had  
20 been preparing for a war to break out in 1941 or 1942  
21 and had made her preparations with that object in view,  
22 that throughout the Chinese Incident sixty per cent of  
23 the budget was used for the purpose of preparing for  
24

25 RR-15. b. T. 15859-62.

1 this war, whilst the remaining forty per cent was  
 2 used for the fighting in China.<sup>a.</sup> Previously he had  
 3 in the Diet on the 10th February 1942 announced that  
 4 the war would be carried on until both the United States  
 5 and Great Britain had been brought down to their knees.<sup>b.</sup>

6 RR-17. During this period he must have also  
 7 learnt of Japan's undertaking to apply the provisions  
 8 of the Geneva Prisoner of War Convention 1929 mutatis  
 9 mutandis. You will recall that evidence was given  
 10 that on the 23rd January 1942 the accused KIMURA noti-  
 11 fied the Foreign Office that it would be safe to notify  
 12 the world that Japan had no objection to acting in  
 13 accordance with that Convention in the treatment of  
 14 prisoners of war.<sup>a.</sup> As matters concerning international  
 15 relations were specifically delegated to the Military  
 16 Affairs Section there can be no doubt that SATO took  
 17 part in the conferences which were held at the War  
 18 Ministry before KIMURA notified the Foreign Office of  
 19 the War Ministry's views on the application of the  
 20 Convention.<sup>b.</sup>

21 RR-18. Throughout the whole of this period  
 22 it is obvious that SATO knew of Japan's plans for waging  
 23 an aggressive war and that he did his best to forward  
 24

25 RR-16. a. Ex. 849, T. 8411  
 b. Ex. 2236A, T. 16076  
RR-17. a. Ex. 1958, T. 14299  
 b. Ex. 74, T. 684

1 them. German Ambassador OTT in recommending him for  
 2 a German decoration says that he was definitely pro-  
 3 German and that "the importance wielded by him during  
 4 the last three months before Japan's entry into the  
 5 war has obviously increased."<sup>a.</sup> SATO admits that  
 6 while he was Chief of the Military Affairs Section he  
 7 was in agreement with the policy of the Minister for  
 8 War, so that it cannot be said he was merely a pro-  
 9 fessional soldier carrying out a disagreeable duty.<sup>b.</sup>

10 IV. ACTIVITIES FROM HIS APPOINTMENT AS  
 11 CHIEF OF THE MILITARY AFFAIRS BUREAU UNTIL THE JAPANESE  
 12 SURRENDER

13 RR-19. In April 1942 SATO was appointed to  
 14 succeed the accused MUTO as Chief of the Military Affairs  
 15 Bureau. In describing the Military Affairs Bureau,  
 16 TANAKA Ryukichi said that it had charge of the Army's  
 17 budget, the organization, equipment and installation of  
 18 the military forces, the making of domestic and external  
 19 plans and the conduct of propaganda.<sup>a.</sup> More specifically  
 20 with regard to prisoners of war its duties included the  
 21 location and construction of prison camps, and the  
 22 drafting of replies to protests forwarded from the Foreign  
 23 Office.<sup>b.</sup> The Chief of the Military Affairs Bureau

- 25 RR-18. a. Ex. 1272, T. 11349  
 b. Ex. 2238A, T. 16083  
RR-19. a. T. 14286  
 b. T. 14286-7



denied having seen any documents relating to prisoners  
 1 of war whilst a member of the Military Affairs Section  
 2 of the Bureau, <sup>d.</sup> but later admits to having seen and  
 3 signed such documents. <sup>e.</sup>

4 RR-21. The protests which have been proved  
 5 to have been received by the Japanese Government during  
 6 this period are set out in Part 6 of Appendix B to Section  
 7 J of the summation and a general reference is here  
 8 made to such protests. As regards the circulation of  
 9 such protests the Tribunal's attention is respectfully  
 10 invited to paragraphs J-70 to J-73 of this summation.

12 RR-22. As a result of the destruction of  
 13 Japanese documents at the time of the surrender <sup>a.</sup> the  
 14 only documents available to the prosecution as showing  
 15 the manner in which general prisoner of war matters  
 16 were handled at the War Ministry are those bearing  
 17 dates in 1942. A perusal of these shows that it was  
 18 the practice for these documents to be referred to the  
 19 Military Affairs Bureau among other bureaus. Thus in  
 20 March 1942 the request that British and American priso-  
 21 ners be sent to Korea in order to stamp out the admira-  
 22 tion of Koreans for American and British peoples came  
 23 through the Military Affairs Section. <sup>b.</sup> The telegram

25 RR-20. d. T. 34418  
 e. T. 34424

RR-22. a. Ex. 2000, T. 14699  
 b. Ex. 1973, T. 14512;  
 Ex. 1974, T. 14518

referring to the compulsory administration of oaths to  
 1 Lt. General Percival and others in Formosa was referred  
 2 to the Military Affairs Section, or as it is there  
 3 called, the War Affairs Section, before being sent on  
 4 to the Prisoner of War Control Department.<sup>c.</sup> In October  
 5 1942 a request that authority be given to the East Dis-  
 6 trict Army to employ prisoners of war at work which  
 7 included work on military projects was approved on the  
 8 authority of the Vice-Minister, but the Military  
 9 Affairs Section was the section which had dealt with the  
 10 matter.<sup>d.</sup> Again the report of the parade of prisoners  
 11 of war in Korea for propaganda purposes was sent to  
 12 the Military Affairs Section before being sent on to  
 13 the Prisoner of War Control Department.<sup>e.</sup> Finally in  
 14 September 1942 regulations made by the accused ITAGAKI  
 15 requiring prisoners of war to engage in work having a  
 16 direct connection with the war, were referred to the  
 17 Military Affairs Section among others.<sup>f.</sup> This shows  
 18 the position in 1942; and NINOMIYA who was appointed  
 19 as Chief of the Military Affairs Section in December  
 20 of that year and retained the position until July 1944  
 21 states that he does not think that there was any change  
 22 in the policy so as to stop such documents being sent to  
 23  
 24

25 RR-22. c. Ex. 1968, T. 14488  
 d. Ex. 1967, T. 14484  
 e. Ex. 1975, T. 14520  
 f. Ex. 1976, T. 14529

his section.<sup>g.</sup>

RR-23. SATO, who as Chief of the Military Affairs Bureau was acting as liaison between the General Staff and the War Ministry, conveyed to a conference of Bureau Chiefs at the War Ministry the General Staff's view that the Doolittle flyers should be executed.<sup>a.</sup>

RR-24. From the foregoing it is obvious that, as Chief of the Military Affairs Bureau, SATO received information of allied protests as to mistreatment of prisoners of war, was familiar with the various Japanese official documents which themselves established breaches of the Conventions and knew of the illegal decision to execute the Doolittle flyers. The power to prevent the commission of these atrocities and to prevent the other breaches of the Conventions rested in the War Minister,<sup>a.</sup> under Japanese law. But at international law it was the duty of the Japanese Government to protect prisoners and to ensure that the conventions were observed. SATO having learnt of the true state of affairs should have done everything in his power to remedy it. But he did nothing in that direction; on the contrary we find that upon being interrogated after the surrender he states that as Chief of

RR-22. g. T. 34434-5

RR-23. a. T. 29047

RR-24. a. Ex. 1965, pp. 2 and 3, T. 14439

the Military Affairs Section and as Chief of the Military Affairs Bureau he was in agreement with the policy of the Minister for War.

RR-25. On the 19th February 1943, SATO addresses the Budget Committee of the Diet. He is just as resolute as ever in carrying on the aggressive wars that Japan had started. On the 18th August 1943, SATO attended the Privy Council meeting with TOJO, OKA, NINAMI and SHIGEMITSU to explain the proposed treaty by which Siam was to be rewarded by giving her part of Malaya. It was at this meeting that TOJO stated that international law should be interpreted from the viewpoint of executing the war according "to our own opinions." He also attended, as army representative, the assembly of the puppet governments of the Greater East Asiatic Nations on the 6th November 1943, when a resolution envisaging the usurpation of the lawful governments of those countries was carried.

RR-26. SATO relinquished his office as Chief of the Military Affairs Bureau in December 1944 and became Assistant Chief of Staff of the China Expeditionary Force, a position which he retained until April 1945, when he assumed command of the 37th Division in Indo-

RR-24. b. Ex. 2238, T. 16083

RR-25. a. Ex. 2237, T. 16080

b. Ex. 1275, T. 11364

c. Ex. 1346, T. 12098

China. <sup>a.</sup> This Division had been responsible for the murder of hundreds of French Indo-Chinese troops and civilians during the month of March 1945, but there is no evidence of any atrocities committed by them after that month. <sup>b.</sup> The Division was moved to Siam in June 1945, but there is no evidence as to any atrocities committed by it there. <sup>c.</sup>

V. GENERAL - CONCLUSION.

RR-27. The prosecution submits that SATO should be convicted on all counts on which he has been charged, other than counts 44 and 53. In support of this submission the prosecution relies on all relevant evidence, whether outlined in this summation or not, and refers particularly to certain paragraphs of this phase of the summation and contends that such paragraphs read in conjunction with the general phase of the summation establish his guilt on all counts other than counts 44 and 53.

I shall not read the last two paragraphs.

(The last two paragraphs, not read, are as follows:)

RR-28. Paragraphs RR-6 to RR-16, RR-18 and RR-25 show him to have become a party to the conspira-

RR-26. a. Ex. 2238, T. 16083  
b. Ex. 15434-6  
c. Ex. 3535, T. 34466.

1       cies charged in counts 1 to 5 of the Indictment as from  
2       June 1937 at the latest, and to have sought to further  
3       the objects of the conspiracies from that time onward.  
4       His guilt on these counts would automatically establish  
5       his guilt on counts 6 to 17, 20 to 22, 24, 27 to 32, 34,  
6       37 to 43 and 48 to 50, provided that the facts alleged  
7       in such counts have been proved to have taken place.  
8       In the general phase of the summation has been out-  
9       lined the evidence upon which the prosecution relies  
10      to establish such facts.

11               PR-29. Paragraphs RR-17 and PR-19 to RR-24,  
12      considered in conjunction with Section J of the summa-  
13      tion establish his guilt on counts 54 and 55 of the  
14      Indictment.

15               Colonel Smirnov will continue the reading  
16      for the prosecution.

17               THE PRESIDENT: We will adjourn until half-  
18      past one.

19               (Whereupon, at 1200, a recess was  
20      taken.)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far is now resumed.

3 THE PRESIDENT: Colonel Smirnov.

4 COLONEL SMIRNOV: SHIGEMITSU, Mamoru.

5 SS-1. SHIGEMITSU, Mamoru is charged under  
6 the following counts of the Indictment: 1-18, 23, 25,  
7 27-35, 44, 48-50, 52-55.

8 SS-2. In 1911, SHIGEMITSU graduated from  
9 the German Law Department of the College of Jurispru-  
10 dence of Tokyo University. From that time on until  
11 Japan's surrender he held various diplomatic posts  
12 of responsibility. During the period covered by the  
13 Indictment the defendant occupied the following posts:  
14 in 1929-30 he was Japanese consul-general in Shanghai,  
15 and concurrently councillor of the Japanese Embassy  
16 in the Republic of China. Later, until 1932, he was  
17 charge d'Affairs and Ambassador to China. During his  
18 tenure of office as ambassador, SHIGEMITSU was wounded  
19 as a result of an attempt against his life and the  
20 lives of other high-ranking Japanese officials made  
21 by Chinese patriots in Shanghai. This accounts for  
22 the break in his diplomatic career up to 1934, when  
23 SHIGEMITSU was appointed chief of the Cultural Activi-  
24 ties Department of the Japanese Ministry of Foreign  
25 Affairs. In 1935, SHIGEMITSU was a member of the

Board of Manchurian Affairs of the Cabinet. In August, 1936, he received the rank of Ambassador Extraordinary and Plenipotentiary and was appointed Ambassador to the USSR. He remained in this office until September, 1938, when he was appointed Ambassador to Great Britain. In February, 1941, SHIGEMITSU was relieved of his duties as Ambassador to Great Britain and was appointed Ambassador to the Wang Chingwei puppet government in China. From April 20, 1943, until April, 1945 SHIGEMITSU was Japanese Foreign Minister, and besides that from July 22, 1944, until April, 1945, was concurrently Minister of Greater East Asia.<sup>a</sup>

SS-3. Thus, in the course of the whole period covered by the Indictment, SHIGEMITSU occupied responsible diplomatic posts, the holding of which called for his knowledge of the conspiracy aims and for the active effectuation of the goals set up by the conspirators. His tenure of office as Councilor of the Embassy, Consul-General in Shanghai and Ambassador to China in 1929-1932 was connected with the beginning and development of Japanese aggression against the Republic of China and with the so-called "first Shanghai Incident."<sup>a</sup> Already at that time he

SS-2. a. Ex. 123, T. 775-81 SS-3. a. Ex. 59, T. 3287-97

was a participant in the over-all conspiracy. In connection with the events of this period SHIGEMITSU was awarded the Order of Merit with the Order of Double Rays of the Rising Sun.<sup>b</sup> His tenure of office as a member of the Manchurian Affairs Board in 1935 was connected with the further development of Japanese expansion in Manchuria and with the transformation of this country into a military base for an attack against the Soviet Union. As Ambassador to the USSR he is responsible for the initiation of the undeclared war of aggression against the Soviet Union in the Lake Khasan area in the summer of 1938. At that time, as it will further be shown, SHIGEMITSU was an active agent of the most reactionary militarist circles of Japan, who to the utmost extent was striving to aggravate the conflict and to bring about an aggressive war against the USSR.<sup>c</sup> While Ambassador to Great Britain he showed that he was an active supporter of the Japanese policy of expansion in the South Seas area<sup>d</sup> by frequently urging and recommending to the Japanese Government to avail themselves of the situation created as a result of the war in Europe for the establishment of Japan's rule over Asia.

SE-3. b. Ex. 123, T. 775 d. Ex. 1017, T. 9683  
 c. Ex. 753, T. 7755 Ex. 1018, T. 9683-8  
 Ex. 754, T. 7759 Ex. 1019, T. 9691-3  
 Ex. 758, T. 7818 Ex. 1023, T. 9712-6  
 Ex. 2633, T. 22803; Ex. 759, T. 7825

1 In 1943-1945 while he was Minister of Foreign Af-  
2 fairs he always showed himself as a determined ad-  
3 vocate of close alliance with Hitlerite Germany, of  
4 fascist methods of warfare and of the establishment  
5 of the fascist "new order" in the whole world, and  
6 his practical activities were directed towards  
7 achieving those ends. Thus an analysis of the de-  
8 fendant's career shows that during the whole period  
9 of time covered by the Indictment, particularly from  
10 1932, he was always appointed to such diplomatic postx  
11 as were associated with the necessity of fulfilling  
12 important tasks that were part of the common plan of  
13 conspiracy.

14 SS-4. When SHIGEMITSU was Japanese Ambassa-  
15 dor to China in 1932 there occurred the so-called  
16 "first Shanghai Incident" which was an important link  
17 in the development of the plan of aggression vis-a-vis  
18 China. The incident started on January 20, 1932,  
19 with the presentation of "five demands" to the Mayor  
20 of Shanghai by the Japanese Consul-General in that  
21 city, who was directly subordinate to SHIGEMITSU.  
22 Among those demands were the demands with regard to  
23 the withdrawal of Chinese troops, the dissolution of  
24 all anti-Japanese organizations, etc. The Japanese  
25 diplomatic action, being an unlawful interference

1 with the internal affairs of the sovereign Chinese  
2 state, served as a pretext for the Commander-in-  
3 Chief of the Japanese naval forces in Shanghai to  
4 initiate an armed clash with the Chinese troops,  
5 which was provoked by him in the Chapei area, from  
6 where, as it is shown in the report of the Commission  
7 of the League of Nations, the Chinese troops "would  
8 not have time to withdraw even had they wished to do  
9 so." <sup>a</sup> It must be noted that the Japanese attacked  
10 the Chinese in spite of the fact that the Mayor of  
11 Shanghai agreed to comply with those unlawful Japan-  
12 ese demands. After that, considerable reinforcements  
13 of Japanese troops were dispatched to Shanghai by  
14 the Japanese imperialists, in particular between the  
15 7th and the 15th February -- a mixed brigade and a  
16 division under the command of General UEDA, and on  
17 March 1, two more Japanese divisions. <sup>b</sup> This, un-  
18 doubtedly, was aimed at the expansion of the con-  
19 flict for the purpose of realizing the aggressive  
20 conspiracy against China. The attempt made by the  
21 defense to rehabilitate SHIGEMITSU in connection  
22 with those events by referring to the fact that on  
23 May 5, 1932 he signed an agreement pursuant to which  
24 SS-4.

a. Ex. 59, T. 3290

b. Ex. 3161, T. 28, 135-38

1 a considerable part of the Japanese troops were with-  
2 drawn from Shanghai cannot be acknowledged as well-  
3 grounded, because SHIGEMITSU was forced to do it due  
4 to a number of circumstances beyond his control, as  
5 for instance, the pressure of foreign countries and  
6 the decisions of the League of Nations (the decision  
7 of the League of Nations Assembly of March 4, 1932;  
8 the U. S. Government's order to the American military  
9 authorities in Shanghai of March 5 on entering into  
10 collaboration for the settlement of the conflict;  
11 a repeated interference of the "Commission of Nine-  
12 teen" of the League of Nations, etc.)<sup>c</sup> In its dec-  
13 laration on the recognition of Japan as aggressor in  
14 Manchuria the League of Nations pointed out that  
15 according to the estimate made by the Chinese side  
16 the "Japanese intervention in Shanghai cost them  
17 (the Chinese) 24,000 soldiers and civilians killed,  
18 wounded or missing, and they estimate their material  
19 losses at about 1500 million Mexican dollars."<sup>d</sup>

20 SS-5. When SHIGEMITSU was a member of the  
21 Board of Manchurian Affairs, he made himself known  
22 as an advocate of a further development of Japanese  
23 expansion in China. At that time there was no dif-  
24 ference between the position of SHIGEMITSU and that  
25 SS-4. c. Ex. 59, T. 3293-4 d. Ex. 59, T. 3293

1 of ITAGAKI and the other conspirators who were of  
2 the opinion that the negotiations with China should  
3 be conducted by military authorities who, for the  
4 purpose of exercising pressure, used the Tientsin  
5 garrison and the Manchurian railway.<sup>a</sup> While SHIGE-  
6 MITSU was a member of the Bureau of Manchurian Af-  
7 fairs, Japanese imperialists were busy working on a  
8 large scale at the transformation of Manchuria into  
9 a military base for an attack against the USSR.<sup>b</sup> The  
10 official position occupied by the defendant makes him  
11 responsible for those actions.

12 SS-6. SHIGEMITSU's activities in connection  
13 with the undeclared aggressive war against the Soviet  
14 Union in the Lake Khasan area in July and August,  
15 1938, when the defendant held the office of Ambassa-  
16 dor to Moscow, must be particularly singled out. In  
17 the early part of July, 1938, the Japanese militarists  
18 started concentrating troops in the Hill Zaozernaya  
19 (Chankufeng) area, at the junction of the borders of  
20 the Soviet Union, Manchuria and Korea in the vicinity  
21 of Vladivostok. An official report of the Japanese  
22 Ministry of Foreign Affairs shows that at the same  
23 time SHIGEMITSU, who was then on a mission in Europe,  
24 received a telegraph order to return to Moscow  
25 immediately. He arrived in Moscow on the

SS-5. a. Ex. 2192, T. 15,733-4

b. Ex. 711, 712, 713, 714, 715, 716, 717, 718

<sup>a</sup>  
18th.

1 SS-7. By the time of SHIGEMITSU's return  
2 to Moscow Japanese representatives had been shown, at  
3 the People's Commissariat for Foreign Affairs of the  
4 USSR, the Hunchun Protocol of 1886 and the map at-  
5 tached thereto, which indisputably established the  
6 fact that the boundary ran along the watershed of  
7 the mountain range west of Lake Khasan. Thus it  
8 was established that the Japanese claims on the  
9 western bank of the lake and in particular on the  
10 whole of the Hill Zaozernaya were insolent.<sup>a</sup>  
11

12 SS-8. In spite of that, on July 20, 1938,  
13 SHIGEMITSU called on the People's Commissar for  
14 Foreign Affairs of the USSR and made a demand in the  
15 form of an ultimatum that Soviet troops be withdrawn  
16 from the western bank of Lake Khasan, threatening to  
17 resort to force. Without any basis of fact he re-  
18 jected all proof produced by the Soviet side and in  
19 particular, speaking about the map attached to the  
20 Hunchun Protocol, stated:  
21

22 " ... to my mind, at this critical moment  
23 speaking of some map is unreasonable. This will  
24 only complicate matters."<sup>a</sup>

25 SS-6. a. Ex. 2647A, T. 22,925

SS-7. a. Ex. 2647A, T. 22,925; Ex. 754, T. 7750

SS-8. a. Ex. 754, T. 7763

Further SHIGEMITSU stated:

1 " ... Japan has the rights and obligations to  
2 Manchukuo to use force and make the Soviet troops  
3 evacuate. ..."<sup>b</sup>

4 SS-9. Further, in compliance with the over-  
5 all plan of conspiracy, SHIGEMITSU encouraged the  
6 initiation of hostilities. On July 29, 1938, Japanese  
7 troops started military operations in the Hill Bezinyan-  
8 naya area and on the night of July 30-31, the main  
9 forces of the Japanese 19th Rifle Division were  
10 brought into action, and the fighting assumed large  
11 proportions. On August 4, 1938, SHIGEMITSU called on  
12 the People's Commissar for Foreign Affairs and kept  
13 insisting on the insolent demands of the Japanese-  
14 Manchurian side.<sup>a</sup> On August 6, 1938, the Zaozernaya  
15 Hill was cleared of Japanese troops by regular troops  
16 of the Soviet Army.

17  
18 SS-10. However, even after that, SHIGEMITSU  
19 continued insisting on the demands he had previously  
20 made and protracted the negotiations. SHIGEMITSU's  
21 conference with the People's Commissar for Foreign  
22 Affairs of the USSR of August 7, 1938, is described  
23 in the Diary of the latter in the following way:  
24

25 SS-8. b. Ex. 754, T. 7763.

SS-9. a. Ex. 2635, T. 22,826-36

"I pointed out to SHIGEMITSU that when we  
 1 speak of the frontier, we mean the existing frontier  
 2 established by the Khunchun and other agreements, and  
 3 it is the only frontier we can speak of. SHIGEMITSU's  
 4 reply is, that according to their interpretation of  
 5 the Khunchun agreement, the Japanese party considers  
 6 that the frontier before July 11 should be the one  
 7 between Manchukuo and the USSR. It means that the  
 8 Changkufeng hill is a Manchurian territory. There-  
 9 fore, it is desirable that the Soviet party should  
 10 not attack the Japanese troops even if Changkufeng  
 11 were now in the hands of the Japanese. I say to  
 12 SHIGEMITSU I am afraid there is no use of conversing  
 13 any longer and we had better discontinue the talk.  
 14 We have shown the frontier on the map. The Bezinyan-  
 15 haya and Changkufeng hills are on the Soviet territory.  
 16 We shall not yield an inch."<sup>a</sup>

18 SS-11. Only on August 10, 1938, did  
 19 SHIGEMITSU change his position, when, after the  
 20 Japanese troops had been completely routed, he agreed  
 21 to the cessation of hostilities on the condition that  
 22 each side would remain in the positions occupied by  
 23 the troops of both sides at that moment, i.e., as of  
 24 August 11, 1938.<sup>a</sup> Then on August 21 and 31, due to  
 25

SS-10. a. Ex. 2638, T. 22,859 SS-11. a. Ex. 2716,  
 T. 23,908

the complete failure of the adventure, SHIGEMITSU

1 consented to recognize the Hunchun Protocol and the  
2 map attached thereto as basic documents for the  
3 delimitation of the border line, thus admitting that  
4 he was wrong and that his demands were unlawful. <sup>b</sup>

5 It becomes quite clear from an analysis of the course  
6 of the diplomatic negotiations that SHIGEMITSU  
7 deliberately initiated large-scale military opera-  
8 tions, acting as an agent of the most aggressive  
9 Japanese circles and an active participant in the  
10 criminal conspiracy.  
11

12 SS-12. After the failure of the Japanese  
13 aggression in the Lake Khasan area SHIGEMITSU could  
14 not remain Japanese Ambassador in Moscow any longer  
15 and he was transferred to London as Ambassador to  
16 Great Britain (1938-1941). Evidence shows that in  
17 holding this office SHIGEMITSU continued to remain  
18 an active adherent of Japan's policy of aggression  
19 on the Asiatic continent, which followed the policy  
20 of the Hitlerite clique in Europe. After the occupa-  
21 tion of Belgium and the Netherlands by Hitlerite  
22 Germany, SHIGEMITSU on May 14, 1940, sent a telegram  
23 to Foreign Minister ARITA in which he urged to:  
24

25 SS-11. b. Ex. 2643, T. 22,903;  
Ex. 759, T. 7825

" ..... apply our national policies for  
 1 China and South Seas in accordance with the policy to  
 2 make our situation in the East Asia firm and stable ..  
 3 ..<sup>a</sup>  
 4 .."

5 SS-13. On May 26, 1940, in connection with  
 6 the military successes of the Hitlerites, SHIGEMITSU  
 7 sent a telegram to the Foreign Minister stating that  
 8 it was necessary "to cope with whatever change in the  
 9 international situation may occur." He also advised:  
 10 "As for Japan, as the result of present war, she  
 11 should shoulder willy-nilly the responsibility for the  
 12 stability of East Asia, which occupies one third of  
 13 the world, so I think it may be advantageous to  
 14 strengthen our position there .... in order to take  
 15 an active part in the future international arena."<sup>a</sup>  
 16

17 SS-14. The more Hitlerite aggression in  
 18 Europe made progress the more persistent became  
 19 SHIGEMITSU's recommendations to the Japanese Govern-  
 20 ment concerning the intensification of the policy of  
 21 expansion in Asia. Thus, in a telegram addressed to  
 22 Foreign Minister ARITA of June 19, 1940, he said:  
 23 "It is needless to say that it is quite advantageous  
 24 to make use of European War to strengthen the position

25 SS-12. a. Ex. 1017, T. 9685  
SS-13. a. Ex. 1018, T. 9688

of Japan in the East Asia .... It is quite important  
1 to watch the attitude of the United States to say  
2 nothing of paying attention to the condition of  
3 France, in the case of taking positive policy for  
4 French Indo-China and others ..... If the surrender  
5 of France will be realized, her plantations in South  
6 Pacific Ocean will be probably interfered with by  
7 Australia and in that case Japan may grasp the  
8 opportunity to take positive activity ... Japan will  
9 not tolerate to leave East Asia districts as the  
10 plantation and object of trade to be exploited by  
11 capitalism of Europe ... As it is evident that the  
12 influence of Europe to Orient will be remarkably re-  
13 duced after the war, Japan had better, I presume,  
14 take advantage of this opportunity to establish our  
15 position in East Asia firmly.<sup>a</sup>

17 SS-15. SHIGEMITSU fully adhered to the  
18 principle of "building Greater East Asia" which was  
19 equal to the Hitlerite slogan of "new order" in  
20 Europe. On August 5, 1940, SHIGEMITSU sent the  
21 following telegram to Foreign Minister MATSUOKA:  
22 "Please accept my hearty congratulations for the  
23 establishment and enforcement of the Greater East

24 SS-14. a. Ex. 1019, T. 9691-3  
25

Asia Policy.<sup>a</sup>

1           SS-16, In the same telegram SHIGEMITSU  
2 formulated the principles of the policy of expansion  
3 on the Asiatic continent, which he believed to be  
4 the most effective. He advanced two such principles:  
5 (1) to effectuate the aggression at the expense  
6 of such countries as were weakened to the utmost by  
7 war and (2) to defeat such countries one by one,  
8 trying to avoid a simultaneous war against several  
9 opponents. SHIGEMITSU wrote:  
10

11           " ... in order to establish our position in  
12 Greater East Asia, it would be necessary to consider  
13 measures for gaining the maximum benefits at the  
14 minimum loss by carrying them out at the direct  
15 expense of small nations (for instance France and  
16 Portugal) (although indirectly it may turn out to be  
17 at the expense of Britain and America) and by avoid-  
18 ing conflict with other countries so as not to make  
19 many enemies at once but to dispose of them one by  
20 one."<sup>a</sup>  
21  
22  
23  
24

25   SS-15. a. Ex. 1023, T. 9711  
     SS-16. a. Ex. 1023, T. 9713

Thus in May, 1940, SHIGEMITSU regarded the  
1 practical implementation of the mission to create  
2 Greater East Asia under the leadership of imperialistic  
3 Japan as being similar to the initial Hitlerite con-  
4 quests in Europe, which were prepared by fascist  
5 diplomacy, which strove to isolate nations, which were  
6 to become the objects of aggression, with the view of  
7 disposing of them one by one. Thus unity of aims and  
8 methods of actions of imperialist Japan, Hitlerite  
9 Germany and fascist Italy was later on always stressed  
10 and advocated by the defendant SHIGEMITSU.  
11

12 SS-17. On February 19, 1941, SHIGEMITSU was  
13 appointed Japanese Ambassador to the puppet government  
14 of Wang Ching-Wei.<sup>a</sup> The very fact of SHIGEMITSU's  
15 appointment to this post characterizes to what extent  
16 the leaders of Japan's ruling clique trusted him;  
17 for the functions of the Japanese Ambassador to the  
18 puppet government of Wang Ching-wei went far beyond  
19 the scope of an ordinary diplomatic representation.  
20 In connection with this it should be recalled that the  
21 Japanese Ambassador to Manchukuo was Commander-in-Chief  
22 of the Kwantung Army who actually was a dictator of the  
23 country. The Wang Ching-Wei puppet government differed  
24

25 SS-17

a. Ex. 123, T. 777

1 very little from the puppet government of Manchukuo,  
2 and if it did it was only in that the full subordination  
3 of the local administration to the Japanese emissaries  
4 was still more expressed in this case.

5 SS-18. On April 20, 1943 SHIGEMITSU was  
6 appointed Minister of Foreign Affairs and remained in  
7 this office until April 1945. (From July 22, 1944,  
8 he was concurrently Minister for Greater East Asia  
9 Affairs).<sup>a</sup> As mentioned before, SHIGEMITSU, while  
10 Minister of Foreign Affairs in the KOISO and TOJO  
11 war cabinets, manifested clearly that he supported  
12 the idea of war to the end on the side of the Axis  
13 powers, favored Hitler's regime and took all measures  
14 within his power for the transplantation of the "new  
15 order" principles into the so-called "Asiatic sphere  
16 of co-prosperity." Besides that, evidence has proved  
17 SHIGEMITSU's co-participation in the commitment of  
18 conventional war crimes, in particular in the encourag-  
19 ing of the brutal treatment of prisoners of war in the  
20 Japanese prisoner of war camps and in deliberately  
21 misinforming the protecting powers.

22 SS-19. SHIGEMITSU has shown that he was an  
23 ardent supporter of the Tripartite Pact and regarded

24 SS-18.

25 a. Ex. 123, T. 777

war in Europe and Asia as actions of the Axis powers commonly agreed upon and directed towards the achievement of one and the same goal. SHIGEMITSU frequently advocated this thesis in his public statements. We quote some of them:

"The Pact of Alliance shines forth as brightly as ever to illumine our road to victory . . . It is well for us to renew . . . our firm determination to prosecute the common war . . . The spirit of Japan who is fighting in East Asia is the spirit of Germany and her allies fighting in Europe . . . "

The address was made on September 27, 1943.<sup>a</sup>

"As soon as Japan, accepting the challenge of America and Britain, rose in arms, on December 8 two years ago, our allies Germany and Italy lost no time in responding to our action by forming a common war front with us."

This statement bears the date of December 1, 1943.<sup>b</sup>

". . . on December 11, 1941, the three nations, concluding a new treaty, firmly pledged themselves to fight out the common war until final victory . . . " (Article dated December 12, 1944).<sup>c</sup>

SS-19

- a. Ex. 773-A, T. 8062
- b. Ex. 773-A
- c. Ex. 828-A

3  
SS-20. SHIGEMITSU's public statements while  
1 he held the post of Foreign Minister were equally  
2 manifest in demonstrating his undisguised fascist stand,  
3 SHIGEMITSU's statements glorifying Hitler and Mussolini  
4 which took place when Germany and Italy had already  
5 suffered severe defeats went far beyond customary  
6 diplomatic courtesy and were made in an effort to  
7 justify fascism and the criminal "new order" in Europe.  
8 Thus, SHIGEMITSU stated:

9  
10 "The figures of the German people under the  
11 leadership of their Fuehrer are undoubtedly the figures  
12 of heroes. We are firmly convinced that Europe will,  
13 after all, be saved by Hitler and Mussolini." (12 Dec-  
14 ember 1944).<sup>a</sup>

15 When Hitler's regime was already doomed,  
16 SHIGEMITSU continued deceiving his own people as to  
17 the course and outcome of the European war and pledged  
18 loyalty to Hitler.

19 "Undoubtedly the decisive war is progressing  
20 in our favor.

21 " . . . As long as Japan, Germany and Italy  
22 are solidly united we need entertain no doubt as to the  
23 successful outcome of the war . . .

24 SS-20

25 a. Ex. 828-A

1           ". . . we pledge afresh to further tighten  
2 our cooperation and forge ahead for final victory."  
3 (12 December 1944.)<sup>b</sup>

4           "The combination between our Empire and other  
5 allied countries is becoming firmer and firmer and we  
6 are convinced of carrying out the current war success-  
7 fully to the last together with our allied countries  
8 at any cost." (January 21, 1945.)<sup>c</sup>

9           The last statement was made less than four months  
10 prior to the final defeat of Germany. We have confined  
11 our outline to only some of the statements made by  
12 SHIGEMITSU. However, should it be the pleasure of  
13 the Tribunal, the prosecution is prepared to present  
14 a great deal of similar statements made by this accused.

15           SS-21. SHIGEMITSU's responsibility as Foreign  
16 Minister for the treatment of prisoners of war follows,  
17 inter alia, from the Imperial Ordinance relating to  
18 the organization of the Ministry of Foreign Affairs  
19 and from the regulations relating to the "Establishment  
20 of an office concerning Japanese residing in enemy  
21 countries and enemy nationals residing in Japan."

22           SS-22. Article 8 of the Imperial Ordinance  
23 sets forth that the "Bureau of Treaties and Conventions"

24 SS-20.

25           b. Ex. 828-A  
            c. Ex. 329-A

1 under the Foreign Minister "shall take charge of affairs  
2 relating to treaties and conventions and to matters con-  
3 cerning external laws and regulations."<sup>a</sup>

4 §-23. The regulations relating to the  
5 "Establishment of an office concerning Japanese resid-  
6 ing in enemy countries and enemy nationals residing in  
7 Japan" provide in Section I: "Work to be Handled by  
8 the New Office", as follows:

9 "3. Matters relating to enemy nationals who  
10 are internees, prisoners of war, or interned in concen-  
11 tration camps under Japanese jurisdiction. Looks  
12 after business related to the treatment (clothes,  
13 food, living quarters, inquiries and answers as to  
14 safety, communication of the 'list' (T.N. of their  
15 names), appointment of, and calls on, the nation  
16 representing their interests and the delegation of the  
17 International Committee of Red Cross, communications,  
18 relief, labor, punishment, repatriation, etc.) of the  
19 above-mentioned enemy nationals.

20 "Among the above-mentioned business shall be  
21 included, replying to proposals from enemy countries  
22 and other sources."<sup>a</sup>

23 §-24. As Foreign Minister, SHIGEMITSU could

24 §-22 a. Ex. 76, T. 684

25 §-23. a. Ex. 3845, T. 38,174

1 not help being aware of protestations made by the allied  
2 powers against inhuman treatment of prisoners of war  
3 in Japanese prison camps. Thus, on April 5, 1943  
4 the Japanese Foreign Ministry received a note of the  
5 U. S. Government transmitted through the Swiss Minister  
6 and containing a warning to the effect that the United  
7 States would punish those Japanese military persons  
8 and officials who were responsible for mistreatment  
9 of U. S. prisoners of war and atrocities committed  
10 against them.<sup>a</sup> Throughout the years 1942-1945 the  
11 Swiss Government repeatedly called the attention of  
12 the Japanese Foreign Ministry to facts of inhuman  
13 treatment of allied prisoners of war in prison camps  
14 located both in Japan proper and in the occupied  
15 territories and requested that representatives of a  
16 protecting power be allowed to visit prison camps.<sup>b</sup>  
17 Similar representations were filed by the Swiss Mission  
18 throughout the years 1943-1945 with respect to mistreat-  
19 ment of prisoners of war in prison camps located in the  
20 territory of Thailand.<sup>c</sup> During the years 1943-1945  
21 the Swiss Minister, likewise, exchanged notes with the  
22 Japanese Foreign Ministry with regard to the treatment

23 SS-24.

24 a. Ex. 1478, T. 12,803

25 b. Ex. 2016-A, T. 14,728-47

c. Ex. 2023, T. 14792-95

of American civilian internees.<sup>d</sup> On June 16, 1943,  
 1 the Swiss Mission called attention of the Foreign  
 2 Ministry to the fact that "the British Government is  
 3 greatly concerned about the food supply of prisoners  
 4 of war", and requested that steps be taken to improve  
 5 food supply.<sup>e</sup> On February 5, 1944, the Swiss Mission  
 6 forwarded to the Japanese Foreign Ministry a note of  
 7 the U.S. Government containing an enumeration of facts,  
 8 which had come to the knowledge of the U. S. Government  
 9 with respect to inhuman treatment of American and  
 10 Philippine prisoners of war in 1942-1943 in various  
 11 camps located in the Philippines.<sup>f</sup> SHIGEMITSU could  
 12 not help being aware of the fact that toward the end of  
 13 January, 1944 Mr. Cordell Hull (on behalf of the  
 14 U. S. A.) and Mr. A. Eden (on behalf of Great Britain)  
 15 made broadcasting addresses wherein information, then  
 16 in the possession of the U. S. and British governments  
 17 with respect to mistreatment of prisoners of war by  
 18 the Japanese administration, was briefly set forth. In  
 19 this connection, in October, 1944, SCAP issued a warning  
 20 to the Japanese military leaders.<sup>g</sup>

22 SS-25. SHIGEMITSU's replies to all these

23 SS--24

24 d. Ex. 2024, T. 14,796  
 e. Ex. 2026, T. 14,836  
 25 f. Ex. 1479, T. 12,803-10  
 g. Ex. 1488, T. 12,822-7

1 reports on, inhuman treatment of allied prisoners of  
2 war and requests for visits of prison camps by repre-  
3 sentatives of neutral countries were made in a per-  
4 functory manner and contained false information in  
5 regard to the condition of prisoners of war and refusals  
6 to grant permission for visiting camps.

7         Among these false statements there is, for  
8 instance, SHIGEMITSU's letter of April 22, 1944 in  
9 which he, answering Swiss protest regarding mistreatment  
10 of prisoners of war, assured the protecting power that  
11 " . . . it is the policy of the Japanese Government to  
12 protect prisoners of war against insults."<sup>a</sup>

13         Examples of the fate of protests by the pro-  
14 tecting powers on behalf of the United States and  
15 Great Britain are briefly referred to below:  
16  
17  
18  
19  
20  
21  
22  
23

24 SS-25

25 a. Ex. 2025-A (6) - (7),  
T. 14,834-5



1 SS-28. Protests lodged with the Japanese  
2 Ministry of Foreign Affairs by the Swiss Legation on  
3 behalf of Great Britain concerning the ill treatment  
4 of prisoners of war in Thailand and requests for per-  
5 mission to visit the camps during 1943-1944 resulted  
6 in constant denials by SHIGEMITSU of mistreatment of  
7 prisoners of war and refusal by him of permission to  
8 visit POW camps.<sup>a.</sup> For instance, on July 24, 1943,  
9 SHIGEMITSU sent a memorandum to the Swiss Minister  
10 wherein he stated that the treatment of POW in Thai-  
11 land was proper and that sick prisoners received medi-  
12 cal attention but at that moment, he said, no permis-  
13 sion to visit those camps could be granted.<sup>b.</sup> We will  
14 not repeat evidence of inhuman treatment of POWs in  
15 camps located in the territory of Thailand. Evidence  
16 presented to the Court shows that the Japanese Govern-  
17 ment had in its possession reports concerning intoler-  
18 able conditions imposed on POWs in those camps, notorious  
19 for an extremely brutal regime established there by  
20 the Japanese administration.<sup>c.</sup>

22 SS-29. Between 25 April 1944 and 19 March  
23 1945 many protests were filed by the Swiss Legation

24 (SS-28. a. Ex. 2023-A-(1)-(8), T. 14792-5

b. Ex. 2017, T. 14746

25 c. Ex. 1928, T. 14633;  
Ex. 473, T. 5513)

1 in behalf of Great Britain alleging mistreatment of  
 2 POW, lack of medical supplies, atrocities, cruelty to  
 3 POW in shipping them to the Burma-Thailand area, mis-  
 4 treatment of POW at the camps of Rangoon and Burma,  
 5 all of which resulted in denials by SHIGEMITSU of evi-  
 6 dence of any such facts.<sup>a.</sup>

7 The falsity of these denials by the accused is  
 8 shown beyond any doubt by the testimony of Lieutenant  
 9 General WAKAMATSU<sup>b.</sup> and by the special report of the  
 10 Japanese Government after the surrender regarding the  
 11 conditions in camps.<sup>c.</sup> From this testimony and from  
 12 this report as well as from the testimony of Colonel  
 13 Coates<sup>d.</sup> and Colonel Wilde<sup>e.</sup> who were prisoners of war in  
 14 those camps during the war, and who characterized at  
 15 length the regime of physical extermination of prisoners  
 16 of war which was established there, may be seen that  
 17 the Japanese Government had sufficient information on  
 18 that subject.  
 19

20 SS-30. In reply to the representation of the  
 21 Swiss Mission concerning a regime of starvation imposed  
 22 on British POWs, the Japanese Ministry of Foreign Af-  
 23 fairs headed by SHIGEMITSU in the verbal note of

24 (SS-29. a. Ex. 2022-(8)-(18), T. 14,763-84

b. Ex. 1989, T. 14633-6

c. Ex. 475, T. 5513

d. T. 11409-16; T. 11425-48

e. T. 5434-5; 5685)

1 23 June 1943 referred the Swiss Minister to the reply  
2 to a similar request made by the International Red  
3 Cross on 10 June 1943. In this reply it was pointed  
4 out that "the authorities concerned who have been and  
5 are paying the best possible attention to the quantity  
6 and nutritive value of the food given to prisoners of  
7 war do not see the necessity of increasing the supply  
8 of any particular foodstuff."<sup>a.</sup>

9 SS-31. From August 1943, throughout a long  
10 period of time the Swiss Mission was communicating with  
11 the Japanese Foreign Ministry in an attempt to obtain  
12 information as to the fate of the United States citizens  
13 captured by the Japanese on Wake Island, many of whom  
14 had been executed by the Japanese.<sup>a.</sup> The Japanese  
15 Foreign Ministry replied to numerous inquiries made by  
16 the Swiss Mission at the request of the U. S. Govern-  
17 ment in a noncommittal manner, deceiving and taking  
18 no steps in order to investigate and punish those who  
19 were responsible for atrocities. In his letter dated  
20 15 May 1945 addressed to the Japanese Ministry of  
21 Foreign Affairs the Swiss Minister pointed out:  
22

23 "Strongly desirous of being able to put the  
24 families of these concerned at rest, the (Gov-  
25 ernment of the United States of America) remarks

(SS-30. a. Ex. 2026-A, T. 14837-8)

(SS-31. a. Ex. 2036-2051, T. 14972-15016)

1 moreover that the Imperial Government has  
 2 had 3 years now to compile the report re-  
 3 quested and that consequently nothing ought  
 4 to prevent its immediate transmission." b.

5 SS-32. Under similar circumstances SHIGEMITSU  
 6 repeatedly denied facts of attacks on survivors from  
 7 allied merchant vessels by Japanese submarines. a.

8 Three protests lodged with SHIGEMITSU in con-  
 9 nection with the slaughter of survivors of torpedoed  
 10 British merchant ships in the Indian Ocean by Japanese  
 11 submarines finally resulted in an answer from SHIGEMITSU  
 12 dated 28 November 1944 categorically denying that Jap-  
 13 anese submarines were concerned in such piratic attacks. c.  
 14 However, evidence adduced by the prosecution shows the  
 15 falsity of SHIGEMITSU's reply. d.

16 SS-33. Trying to refute the charges against  
 17 SHIGEMITSU as to this section, the defense offered the  
 18 testimony of SUZUKI, Tadakatsu, former Chief of the  
 19 "Office concerning Japanese Residing in Enemy Countries  
 20 and Enemy Nationals Residing in Japan" who at the time  
 21 (from 1943 to 1945) was directly under SHIGEMITSU.  
 22

23 What does this testimony say? This witness is

24 (SS-31. b. Ex. 2052, T. 15016)  
 25 (SS-32. a. Ex. 2101, T. 15176  
 b. Ex. 2092; 2093, T. 15153-8  
 c. Ex. 2102, T. 15177  
 d. Ex. 2094-2099, T. 15157-75)

1 different from SHIGEMITSU only in the scope of his  
2 criminal activities. If we brush aside the witness'  
3 quite unfounded allegation as to the "good intentions"  
4 of SHIGEMITSU with regard to prisoners of war which  
5 were never realized, he testified only that:

6 a) SHIGEMITSU knew of the protests by the  
7 protecting powers<sup>a.</sup>

8 b) In spite of that, he never took up the  
9 matters of prisoners of war before the Cabinet<sup>b.</sup>

10 c) SHIGEMITSU did not permit visits by the  
11 representatives of the protecting powers to the pris-  
12 oner of war camps.<sup>c.</sup>

13 Thus, in substance, this testimony only con-  
14 firms SHIGEMITSU's guilt. It also showed that in the  
15 Japanese Ministry of Foreign Affairs SHIGEMITSU was  
16 not the only one who criminally neglected the rules of  
17 international law, but had many co-participants among  
18 the personnel.  
19

20 To hide now behind the cowardly excuse put  
21 forward by SUZUKI that the War Minister allegedly would  
22 not permit SHIGEMITSU to make investigations as to the  
23 conditions in the prisoner of war camps and would not  
24 allow him to permit visits by the representatives of the

25 (SS-33. a. T. 38903; T. 38906; T. 38903  
b. T. 38909-11  
c. T. 38911)

1 protecting powers to the prisoner of war camps, is no  
2 defen. for the accused who held the high post of  
3 Foreign Minister.

4 SS-34. The accused also received no help from  
5 the clumsy sophisms of the witnesses MATSUMOTO<sup>a.</sup> and  
6 SUZUKI<sup>b.</sup> about changing the name of the "Office Concern-  
7 ing Japanese Residing in Enemy Countries and Enemy  
8 Nationals Residing in Japan."<sup>c.</sup>

9 In spite of the change in the name of the  
10 Bureau the fact remains that the regulations them-  
11 selves and duties imposed upon the office remained the  
12 same.<sup>d.</sup>

13 Besides, the change of the name of the Bureau  
14 under Minister of Foreign Affairs could in no way change  
15 the duties of the minister himself, and neither could  
16 it diminish his responsibility for the violation of  
17 generally recognized rules of international law pertain-  
18 ing to the treatment of prisoners of war.

19 SS-35. To justify the accused the defense pre-  
20 sented a number of documents which were supposed to  
21 confirm that in the course of negotiations concerning  
22 the events in the vicinity of Lake Khasan SHIGEMITSU  
23 could be honestly under misapprehension as to the  
24

25 (SS-34. a. Ex. 3895, T. 38780-3  
b. Ex. 3898, T. 38787-9  
c. Ex. 76, T. 684  
d. Ex. 3845, T. 38174; T. 38880-1)

location of the border line, the reason being the  
1 alleged discrepancy between the Russian and Chinese  
2 texts of the Hunchun Protocol of 1886. In particular,  
3 the defense tried to prove that whereas the Russian  
4 text of the protocol says -- "From Letter T the border  
5 is running to the North-West, following the line of the  
6 mountains, west side of Lake Hassan and reaches the  
7 north end of the sandy ridge,"<sup>a.</sup> the Chinese text  
8 allegedly says -- "Proceeding northwestwards from the  
9 border-mark Tu, crossing a hill and reaching the north  
10 of a sand hill via the west side of Lake Hasang."<sup>b.</sup>

11 However, different expressions explained by the differ-  
12 ence in the languages can in no way substantiate the  
13 contention of the defense, because the defense could  
14 not deny that on the map attached to the Protocol the  
15 border line is shown precisely in accordance with the  
16 Soviet contention.<sup>c.</sup> Furthermore, it is specifically  
17 set down both in the Russian and Chinese texts that the  
18 border line runs along the watershed of the mountain  
19 range. In particular the Protocol says:

21 " . . . the red line on the map marks the  
22 border all along the watershed, and the water  
23 that flows westwards and pours into the River

24 (SS-35. a. Ex. 753  
25 b. Ex. 3545-C, T. 34507  
c. Ex. 2175; Ex. 753)

1 Tumen belongs to China, and the water that  
2 flows eastwards and pours into the sea be-  
3 longs to Russia." d.

4 Thus, SHIGEMITSU was undoubtedly aware of the illegal  
5 nature of the Japanese action. As has been noted  
6 above, he ignored evidence offered by the Soviet side  
7 and attempted to aggravate the conflict as much as  
8 possible. What the theory of the defense amounts to  
9 is that SHIGEMITSU was acting in pursuance of instruc-  
10 tions of the Japanese Government and that he, himself,  
11 proposed that hostilities be stopped. In support of  
12 this contention the defense has been able to produce  
13 only records of SHIGEMITSU's conversations with the  
14 U.S.S.R. People's Commissar of Foreign Affairs borrowed  
15 from the prosecution, trying to construe them in their  
16 own manner. Thus, for example, the defense wants to  
17 regard SHIGEMITSU's proposal to discontinue hostilities  
18 as a proof of his allegedly pacific policy. Such pro-  
19 posal was made by SHIGEMITSU on 4 August and thereafter.  
20 However, first of all, it had not happened before the  
21 Soviet Army put up a resolute resistance which sobered  
22 up the Japanese imperialists and, secondly, SHIGEMITSU  
23 demanded that Japan's unlawful claims be satisfied as a  
24 (SS-35. d. Ex. 3545-C  
25 e. Ex. 2633; Ex. 2635; Ex. 2638;  
Ex. 2716; Ex. 2643)

1 prerequisite for the cessation of hostilities. What  
2 was the value of such a "peaceful" proposal? As to  
3 the allusion made by the defense to the fact that  
4 SHIGEMITSU acted on his government's instructions, the  
5 prosecution never contended that he acted entirely on  
6 his own. On the contrary, we have always contended that,  
7 being a party to the conspiracy, SHIGEMITSU certainly  
8 acted in conformity with the principles of the Japanese  
9 ruling clique. But if the defense means something else,  
10 then there must be, in this case, certain official in-  
11 structions. But what kind of instructions? Where are  
12 they? The defense failed to produce any such documents.  
13 They solely rely on the testimony of former Foreign  
14 Minister UGAKI.<sup>f.</sup> On a brief cross-examination by the  
15 prosecution in reply to questions based on prosecution  
16 documents the witness UGAKI said "No" to eight questions,  
17 "I don't know" to five questions, "I have not heard" to  
18 eleven questions, and "I have no recollection" to four-  
19 teen questions.<sup>g.</sup> He "remembered," "heard" or "knew"  
20 only this: that, contrary to documents, the border  
21 line was allegedly vague, that Soviet troops arbitrarily  
22 occupied the area of the conflict, that SHIGEMITSU  
23 acted in pursuance of his instructions and that the  
24 instructions were aimed at a peaceful solution of the  
25

(SS-35. f. Ex. 2715, T. 23868-71; T. 23884-904

g. T. 23884-900)

1 conflict. And where are these instructions? The wit-  
2 ness failed to produce any of them. In contradiction  
3 to his own contentions to the effect that SHIGEMITSU  
4 acted in pursuance of instructions this witness stated  
5 that SHIGEMITSU had not been instructed to refuse tak-  
6 ing into account the map for the purpose of settling  
7 the conflict and had no authority to threaten with the  
8 use of force.<sup>h.</sup> We do not deem it necessary to subject  
9 to detailed criticism the unwarranted allegations of  
10 this witness as regards the essence of the Lake Khasan  
11 developments. The witness, himself, being formerly  
12 Foreign Minister, is too much interested in passing  
13 off the undeclared aggressive war in the vicinity of  
14 Lake Khasan as an incident of which the Japanese side  
15 was not guilty. An outline of all the evidence as to  
16 the aggressive nature of the actions of the Japanese  
17 imperialists in the Lake Khasan area is contained above  
18 in the respective section. We deem it proper to remind  
19 that Article 6 of the Charter contained the following  
20 provision with respect to the responsibility of an  
21 accused:

22 "Neither the official position at any time  
23 of an accused, nor the fact that an accused  
24 acted pursuant to order of his government or  
25 (SS-35. h. T. 23895-7)

of a superior shall, of itself, be sufficient  
to free such accused from responsibility for  
any crime with which he is charged . . ."

Hence, it is abundantly clear from documents and facts  
that SHIGEMITSU took an active part in the undeclared  
aggressive war of Japan against the U.S.S.R. in the  
Lake Khasan area and is liable therefore for grave  
responsibility.

SS-36. Among other evidence the defense has  
produced telegrams and some other correspondence with  
respect to SHIGEMITSU's contemplated trip to Manchuria  
with Mr. T. V. Soong and the establishment of a "joint  
commission" on account of the Mukden Incident in April-  
May, 1932. However, the commission was never established  
and the trip never materialized and, consequently,  
this correspondence can be of no importance. <sup>a.</sup> Other  
documents offered by the defense consist of statements  
and affidavits of various diplomats and to a certain  
extent mirror the attitude of these individuals toward  
the accused. This group of documents includes the  
statement by Lord Hankey, <sup>b.</sup> the statement by Lord Sempill, <sup>c.</sup>  
questions propounded to Sir Robert Craigie and his  
answers thereto, <sup>d.</sup> the affidavit of Joseph P. Kennedy, <sup>e.</sup>

(SS-36. a. Ex. 3536; Ex. 3537; Ex. 3538; Ex. 3539;  
T. 34468-81

b. Ex. 3547, T. 34511 d. Ex. 3555, T. 34544  
c. Ex. 3549, T. 34523 e. Ex. 3551, T. 34530)

f.

the affidavit of Joseph B. Davis, the statement of  
H. A. Gwynne.<sup>g.</sup> In all these documents there is one  
peculiar feature which attracts one's attention:  
wherever they refer to "good intentions" of the accused  
they imply only such intentions which were never mater-  
ialized. This refers both to SHIGEMITSU's contemplated  
trip to Central Europe in 1941 in order to meet MATSUOKA  
with a view to the settlement of Anglo-Japanese rela-  
tions and to his proposal as to the dispatch of a special  
British mission to Japan. The Tribunal, we presume,  
will not be misled by these declarations of SHIGEMITSU's  
concerning his striving for peace, friendship for  
peoples, etc. witnessed by the aforementioned persons.  
SHIGEMITSU's actual views as well as the aggressive  
aims he pursued as an active participant in the con-  
spiracy are sufficiently disclosed in the official  
telegrams which he sent to the Japanese Foreign Minis-  
try.<sup>h.</sup> It also follows from his practical activities  
aimed at the promotion of the aims of the conspiracy.  
It is likewise characteristic that it was SHIGEMITSU  
who was appointed Foreign Minister and concurrently  
Minister of Greater East Asia Affairs in 1943, one of  
the most crucial periods of the war. In the light of

(SS-36. f. Ex. 3546, T. 34507

g. Ex. 3552, T. 3453

h. Ex. 1017; Ex. 1018; Ex. 1019; Ex. 1023)

this fact it is quite obvious that Japan's ruling  
1 imperialist clique was, least of all, inclined to take  
2 seriously the "peaceful" assurances SHIGEMITSU gave  
3 several years ago to diplomats of the allied powers,  
4 creating a smoke screen for the effectuation of the  
5 aggressive plans of Japan. As a member of the wartime  
6 cabinets of TOJO and KOISO (April 1943--April 1945)  
7 SHIGEMITSU should be held fully responsible for the  
8 prosecution of a criminal war of aggression against the  
9 allied powers and for the preparation of an attack  
10 against the Soviet Union during the same period.  
11 Throughout his entire diplomatic career SHIGEMITSU  
12 acted as an active member of the criminal imperialistic  
13 clique closely connected with the representatives of  
14 aggressive militaristic circles, and we support the  
15 charges against SHIGEMITSU, as formulated in the Indict-  
16 ment, in their entirety.

18 SS-37. It is submitted that the evidence  
19 fully establishes the guilt of the defendant SHIGEMITSU  
20 as charged in Counts 1-5 of the Indictment and his  
21 responsibility for all actions resulting from the gen-  
22 eral participation in the conspiracy. As to the specific  
23 counts, the evidence which establishes SHIGEMITSU's  
24 guilt may be found as indicated:  
25

	<u>Counts:</u>	<u>Paragraphs</u>
1	1-5	All
2	6-18	2, 3, 4, 5, 6-11, 12, 13, 14
3		16, 17, 19, 20, 21, 36
4	23	14, 16
5	25, 35, 52	6, 7, 8, 9, 10, 11, 35
6	27-34	12, 13, 14, 15, 16, 18, 19
7	52-55	21, 22, 23, 24, 25, 26, 27, 28,
8		29, 30, 31, 32, 33, 34
9	If it please the Tribunal, Captain Robinson	
10	will proceed for the prosecution.	
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THE PRESIDENT: Captain Robinson.

1 CAPTAIN ROBINSON: Mr. President and Members  
2 of the Tribunal:

3 TT-1 The purpose of this summation is to  
4 present to the Tribunal an analysis of the main points  
5 in the evidence introduced by the Prosecution and by  
6 the Defense relating to the defendant SHIMADA.

7 TT-2. The defendant SHIMADA is charged in  
8 the Indictment under Counts 1-17, 20-22, 24, 27-32,  
9 34, 37-43, 44, 53, 54 and 55.

10 TT-3. The position of the prosecution based  
11 on the evidence is set out in appropriate places in  
12 the summation. Evidence introduced by the defense is  
13 considered in relation to the prosecution evidence.

14 TT-4. The evidence is presented under appropri-  
15 ate headings and, where practicable, in chronological  
16 order.

17  
18 I. OFFICIAL POSITIONS.

19 TT-5. The defendant SHIMADA was Navy Minister  
20 in the TOJO Cabinet, holding that official position  
21 from 18 October 1941 to 17 July 1944. He held also  
22 the position of Chief of Naval General Staff from 19  
23 February 1944 to 2 August 1944.

24 (TT-5. c. Ex. 3565, T. 34646; Ex. 124, T. 778)  
25

1 TT-6. Naval General Staff positions held  
2 by SHIMADA included also the following positions: .  
3 Staff Officer, 3 June 1920 to 1 February 1922; Chief  
4 of Naval Information Bureau, appointed 28 June 1932;  
5 Chief of Operations Bureau, appointed November 1932;  
6 Vice Chief of Naval General Staff (Prince FUSHIMI,  
7 Hiroyasu, Chief) from 2 December 1935 to 1 December  
8 1937.

9 TT-7. Command positions held by SHIMADA  
10 included Commander, Seventh Submarine Unit (1926);  
11 Chief of Submarine School, Kure (1931); Commander in  
12 Chief, Second Fleet (China) from 1 December 1937 to  
13 15 November 1938, and Commander in Chief, China Area  
14 Fleet, from 1 May 1940 to 1 September 1941. He was  
15 promoted to Captain in 1924, to Rear Admiral in 1929,  
16 to Vice Admiral in 1934, and to Admiral in November  
17 1940. He was placed on the retired list on 20 Jan-  
18 uary 1945.

19 TT-8. While SHIMADA was Vice Chief of the  
20 Naval General Staff (1935-37), former Defendant Admiral  
21 NAGANO was Navy Minister (1936-37) and Admiral YAMAMOTO  
22 was Navy Vice Minister (1936-39). While SHIMADA was  
23 Navy Minister (1941-44), NAGANO was Chief of Naval  
24 (TT-6. a. Ex. 3565, T. 34646; Ex. 124, T. 778)  
25 (TT-7. a. Ex. 3565, T. 34647; Ex. 124, T. 778-80)

General Staff (1941-44) until in February 1944,  
 1 SHIMADA succeeded NAGANO as additionally Chief of Naval  
 2 General Staff, and YAMAMOTO was Commander in Chief,  
 3 Combined Fleet (1939-43). On 7 December 1941, when  
 4 SHIMADA was Navy Minister and NAGANO was Chief of  
 5 Naval General Staff, and YAMAMOTO was Commander in  
 6 Chief, Combined Fleet, Admiral ITO, Seiichi, was Vice  
 7 Chief Naval General Staff (1941-44), and Admiral OKA  
 8 was Chief of the Naval Affairs Bureau, Navy Ministry  
 9 (1940-44).  
 10

## 11 II. OFFICIAL ACTS AND OMISSIONS OF DUTY.

12 TT-9. SHIMADA stated on direct examination a.  
 13 and on cross-examination b. that he, as Minister of  
 14 the Navy and Minister of State, at the Imperial Con-  
 15 ference on 1 December 1941, joined in making the final  
 16 official decision to initiate and wage war against  
 17 the United States and Great Britain and their allies.  
 18

19 TT-10. SHIMADA stated on direct examination a.  
 20 and on cross-examination b. that he, as Minister of the  
 21 Navy and Minister of State, at the Imperial Palace,  
 22 on 30 November 1941, joined with NAGANO as Chief of  
 23 Naval General Staff in advising the Emperor, in answer

24 (TT-8. c. Ex. 102, T. 685)

(TT-9. a. Ex. 3565, T. 34666  
 b. T. 34696.)

25 (TT-10. c. Ex. 3565, T. 34667  
 b. T. 34696-704)

1 to his inquiry, that the Japanese Navy's preparations  
2 for war against the United States and Great Britain  
3 were adequate and satisfactory. SHIMADA knew that this  
4 information would lead to the calling of the Imperial  
5 Conference at which, on the following day, SHIMADA  
6 joined in the decision for war.

7 TT-11. SHIMADA stated on cross-examination  
8 that he knew on and before 8 December 1941 that the  
9 Emperor, as Commander in Chief of the Japanese Army  
10 and Navy, had the fixed policy and understanding that,  
11 before the Japanese Navy would commence armed action  
12 at Pearl Harbor, the Government of the United States  
13 would be duly notified that war and actual hostilities  
14 were to be commenced by Japan. SHIMADA was asked  
15 on cross-examination whether it was not his official  
16 responsibility, as the Minister of State and the  
17 Cabinet Member responsible for Navy matters, to deter-  
18 mine or order that the Navy would not make the attack  
19 without such notification first having been given.  
20 He replied evasively that so far as notification was  
21 concerned, the responsibility rested upon the Foreign  
22 Minister, and that so far as operations were concerned,  
23 the responsibility rested upon the Chief of the Navy  
24 (TT-11. a. T. 34704-713  
25 b. T. 34711-13.)

c.  
General Staff. Further evidence on this subject  
1 is considered later under the heading "Responsibility."

2 TT-12. With regard to official and personal  
3 responsibility for waging aggressive war including  
4 the ordering or permitting of atrocities, SHIMADA  
5 stated on direct examination that submarine atrocities  
6 were matters within the jurisdiction and the sole know-  
7 ledge of the Naval General Staff. He indicated that  
8 he, as Navy Minister, did not have jurisdiction and  
9 knowledge regarding such matters. c. On cross-examina-  
10 tion his attention was called to the fact that he was  
11 in fact both Chief of the Naval General Staff and  
12 Navy Minister at the time when Japanese submarine  
13 personnel were committing in the Indian Ocean atrocities  
14 against survivors of torpedoed merchant vessels, and  
15 SHIMADA was asked to explain why it was that immedi-  
16 ately after he took this double command position in  
17 February 1944, there was a special outburst of Japanese  
18 submarine atrocities in the Indian Ocean. SHIMADA  
19 declared that he had no knowledge of these atrocities,  
20 that he had neither seen nor heard of Allied protests  
21 regarding them, and that he did not believe that they  
22 had occurred. b. The prosecution had presented as a

23  
24 (TT-11. c. T. 34712-13 and 34709, 34712; and  
25 TT-41, 42, below.)  
(TT-12. c. Ex. 3565, T. 34671  
b. T. 34774-5)

witness a survivor of the atrocities connected with  
 the SS Nicolet, <sup>c.</sup> affidavits of other survivors of  
<sup>d.</sup> such atrocities, and many protests by Allied govern-  
<sup>e.</sup> ments which had been ignored or rejected <sup>f.</sup> by the  
 Japanese Navy and Foreign Office.

TT-13. The prosecution presented in rebuttal  
 a witness, NAKAHARA, who testified that the Naval  
 General Staff ordered him to duty under Commander  
 ARIIZUMI of the submarine I-8, that Commander ARII-  
 SUMI, also known as "Gangster," and his crew aboard  
 the I-8 in March and July 1944 killed almost 200

TT-12. c. T. 15109-139 (MacDougall)  
 d. Ex. 2087, T. 15140 (Nicolet)  
 Ex. 2088, T. 15145 (Nicolet)  
 Ex. 2089, T. 15148 (Johnson)  
 Ex. 2090, T. 15150 (Johnson)  
 Ex. 2094, T. 15158 (D. Moller)  
 Ex. 2095, T. 15159 (British Chivalry)  
 Ex. 2096, T. 15159 (Sutley)  
 Ex. 2097, T. 15163 (Ascot)  
 Ex. 2098, T. 15168 (N. Moller)  
 Ex. 2099, T. 15169 (Tjisalek)  
 c. Ex. 2076, T. 15088 (Hovey)  
 Ex. 2077, T. 15091 (Hovey)  
 Ex. 2079, T. 15093-4 (Hovey)  
 Ex. 2080, T. 15095 (Nicolet)  
 Ex. 2081, T. 15100 (Nicolet)  
 Ex. 2083, T. 15102 (Nicolet)  
 Ex. 2084, T. 15103 (Nicolet)  
 Ex. 2092, T. 14143 (British)  
 Ex. 2093, T. 15156 (Ascot)  
 Ex. 2101, T. 15175 (British)  
 Ex. 2103, T. 15178 (British)  
 f. Ex. 2078, T. 15092 (SHIGEMITSU)  
 Ex. 2082, T. 15101 (Transmittal Ex. 2081)  
 Ex. 2086, T. 15105 (TOGO)  
 Ex. 2102, T. 15177 (SHIGEMITSU)

survivors of two torpedoed Allied merchant vessels,  
 1 namely, the Tjisalak and the Nicolet, that ARIIZUMI  
 2 stated that the killings were ordered by the Naval  
 3 General Staff, that no inquiries were made of the  
 4 witness by the Naval General Staff, nor of other per-  
 5 sonnel so far as he knew, regarding the atrocities,  
 6 and that Commander ARIIZUMI was promoted to Captain  
 7 in October 1944, a few months after committing the  
 8 atrocities.

9 TT-14. SHIMADA stated, both on direct exam-  
 10 ination and on cross-examination, that German and  
 11 Japanese collaboration in the Indian Ocean submarine  
 12 activities was slight. On cross-examination and on  
 13 rebuttal the prosecution presented an official report  
 14 by Admiral ICHIOKA as Commander of the Sixth Fleet  
 15 activities in the Indian Ocean, setting forth extensive  
 16 joint operations between German and Japanese submarines  
 17 there, and by Japanese submarine I-8 in Europe and  
 18 in the Indian Ocean.  
 19 b.

20 TT-15. The prosecution presented a record  
 21 showing that on 3 January 1942 Hitler and the defendant  
 22 OSHIMA, then Japanese ambassador to Germany, had a  
 23 conference attended also by Ribbentrop, German Foreign  
 24

(TT-13. r. Ex. 3842, T. 38136-50)

(TT-14. c. T. 34671; 34776

b. T. 34787-89; Ex. 3841, T. 38126)

Minister. Hitler told OSHIMA that he, Hitler, had ordered German submarines to surface after torpedoing merchant vessels "and shoot up the lifeboats" in order to destroy the crews. This procedure, said Hitler, makes difficulties for the Americans in supplying suffering personnel to man the ships. The record of the conference then states "Ambassador OSHIMA sincerely concurs in these statements of the Fuehrer and says that the Japanese, too, are forced to follow these methods."<sup>c</sup> On cross-examination OSHIMA had denied making that statement but recalled that "Hitler said something about annihilating crews of merchant vessels" and "that replacements would become difficult."<sup>b</sup> An interrogation of OSHIMA<sup>c</sup> and an explanatory statement<sup>d</sup> by him also were introduced in evidence. In his explanatory statement OSHIMA verified his former answers in regard to the presenting of two submarines by Germany to Japan, but stated that it was Hitler and not Ribbentrop who had told him, in January 1942, that the orders had been issued to kill the crews of sunken ships. OSHIMA added that he did not cable the Japanese Government in regard

(TT-15. a. Ex. 38134, T. 37912  
 b. T. 34258-9; T. 37928  
 c. Ex. 2106, T. 15186  
 d. Ex. 3513, T. 34057)

1 to the submarine orders because Hitler had not so  
2 requested, but that he "may have mentioned it to  
3 Admirals NOMURA and YOKOI (the Naval Commissioner and  
4 the Naval Attache at Berlin)." In his original inter-  
5 rogation, OSHIMA stated that "at the request of the  
6 Germans" he "did tell it to the Naval Attache, but  
7 I have no recollection of having sent any dispatches  
8 to Japan about this matter." The following paragraphs  
9 will state Ribbentrop's action of 6 March 1943, and  
10 the Japanese submarine order of 20 March 1943. On  
11 25 March 1943, Directive No. 209 was issued to the  
12 Combined Fleet, ordering it to intensify submarine war-  
13 fare in the Indian Ocean. Evidence was introduced  
14 also showing that one of the promised submarines was  
15 delivered a few months later to Japanese naval author-  
16 ities, after a trip from Germany to Japan with NOMURA  
17 aboard, and that the other submarine was sunk enroute  
18 from Germany to Japan.  
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24 (TT-15. c. Exs. 3053A, 3053B, T. 27269)  
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1 TT-16. The prosecution presented the  
2 minutes recording a discussion on 6 March 1943, in  
3 which Ambassador OSHIMA was asked by Foreign Minister  
4 Ribbentrop what the Japanese Government intended to  
5 do on the submarine question.<sup>a.</sup> OSHIMA replied that  
6 Japan intended to accentuate the submarine warfare,  
7 and that the Japanese Navy would like to have the  
8 two German submarines. Ribbentrop later advised that  
9 Admiral NOMURA see a German Admiral to arrange details.  
10 Ribbentrop then "expressed his opinion that Japan  
11 within a short time would be able, from her far ad-  
12 vanced bases, to make an effective assault at the  
13 enemy supply lines and after Ambassador OSHIMA on  
14 behalf of his government had expressed his thanks  
15 for the German willingness, the Reich Foreign Minister  
16 (RAM) then took leave of the Ambassador."  
17

18 TT-17. March 20, 1943, fourteen days after  
19 the date of the foregoing conference between OSHIMA  
20 and Ribbentrop, a top secret Japanese naval order  
21 for submarine operations by the First Submarine  
22 Squadron of the Sixth Fleet, based at Truk, was  
23 issued. It was introduced by the prosecution,<sup>a.</sup> and  
24 read into the transcript in part as follows: "Do not  
25

TT-16. a. Ex. 3817, T. 37931-4.  
TT-17. a. Ex. 2105, T. 15184.

1 stop with the sinking of enemy ships and cargoes; at  
2 the same time that you carry out the complete destruc-  
3 tion of the crews of the enemy's ships, if possible,  
4 seize part of the crew and endeavor to secure infor-  
5 mation about the enemy." The defense produced Admiral  
6 MITO, whose name appeared on the document as commander  
7 of the squadron. MITO did not deny the authenticity  
8 of the order and said that its basic order would have  
9 come from Chief of Naval General Staff (NAGANO, now  
10 deceased) and not from the Navy Minister (the  
11 defendant SHIMADA.)<sup>b.</sup> MITO denied that there was any  
12 collaboration of Japanese submarines with German sub-  
13 marines. On cross-examination he said that orders  
14 for the Sixth Fleet submarines in the Indian Ocean  
15 in 1944, including the I-8, could have been channeled  
16 through Truk from Naval General Staff.<sup>c.</sup> He also  
17 said that he had learned that on 27 March and 2 July  
18 1944, there was operating in the Indian Ocean the  
19 submarine I-8, which during at least part of the year  
20 1944 was under the command of Commander ARIIZUMI, who  
21 was at one time a staff officer in the Naval General  
22 Staff. MITO denied any knowledge that the procedure  
23 followed by ARIIZUMI in destroying the survivors of  
24 TT-17. b. Ex. 3564, T. 34635.  
25 c. T. 34641.

1 the SS TJISALAK on 26 March 1944 and of the SS NICOLET  
2 on 2 July 1944 was exactly the procedure described in  
3 the Submarine Order in evidence. The prosecution  
4 refers to the testimony of the witness NAKAHARA,<sup>d.</sup>  
5 and to the ICHIOKA report on German-Japanese submarine  
6 collaboration in the Indian Ocean.<sup>e.</sup> The prosecution  
7 submits that by all of its evidence on this subject it  
8 has established as definitely as such facts can be  
9 established that (1) the order was issued; (2) that  
10 it showed Japanese naval activity immediately follow-  
11 ing and in accordance with the OSHIMA-Ribbentrop  
12 conference; and (3) that it indicated compliance or  
13 cooperation by Japan with Hitler's request and with  
14 conditions, either expressed or understood "by gentle-  
15 men's agreement" between Hitler-Ribbentrop-OSHIMA and  
16 the Japanese-German naval officers that the two sub-  
17 marines were given to Japan in return for atrocity  
18 submarine warfare as proposed by Hitler and as executed  
19 by ARIISUMI and other submarine commanders, aided by  
20 the "experienced" German submarine officers as promised  
21 by Hitler, and acting under SHIMADA as Navy Minister  
22 and Chief of Naval General Staff. Evidence presented  
23 as a defense to the prosecution evidence of submarine  
24 TT-17. d. Ex. 3842, T. 38134; 38136-50.  
25 e. Ex. 3841, T. 38126.

atrocities has included naval directives as proper steps to safeguard the lives of the crews of torpedoed ships. The responsibility, however, is not fully discharged by the mere issuance of directives. Furthermore, an analysis of these directives discloses that for the most part they were not addressed to naval units concerned with submarine atrocities. Directive No. 15 dated 30 November 1941 indicates that time should be given for survivors to seek safety. Directive No. 61 dated 1 March 1942, rescinded Directive No. 15 and contained a similar general instruction. Directive No. 61, however, was not addressed to the Combined Fleet, Southwest Area Fleet nor Sixth Fleet, which were the fleets responsible for the submarine atrocities in evidence, but only to the China Seas Fleet and to naval stations in Japan and Korea. Directive No. 209 dated 25 March 1943, to which reference has been made above, contained no instruction to save survivors of torpedoed ships. It is submitted that the prosecution evidence regarding submarine atrocities is strong evidence of the conspiracy between the German leaders and those Japanese defendants, as charged in the Indictment, and of the

TT-17. f. T. 27296.

g. Ex. 3054-C, T. 27389-90.

h. Ex. 3053-A, 3053-B, T. 27269.

1 waging of aggressive atrocity warfare by these de-  
2 fendants, as charged in the Indictment.

3 III. AGGRESSION AGAINST CHINA AND THE  
4 UNITED STATES.

5 TT-18. SHIMADA was asked on cross-examination  
6 whether, contrary to his testimony on direct examina-  
7 tion, he had not done more than anyone else in the  
8 Japanese Navy to create and to aggravate the vital  
9 diplomatic issue of Japanese aggression in China. a.

10 He was also asked whether he had not favored three  
11 Japanese demands which made impossible the success of  
12 diplomatic negotiations with the United States, namely,  
13 the conquest of China, the domination of Greater East  
14 Asia as the special calling of Japan, and the Axis  
15 alliance. b. He answered both questions in the negative.

16 The following evidence introduced by the prosecution,  
17 however, is submitted as answering both questions  
18 decisively in the affirmative.

19 TT-19. SHIMADA stated that during the first  
20 Shanghai Incident he was Chief of Staff of the Third  
21 Fleet. a. He admitted that in 1937, while he was Vice

22 Chief of the Naval General Staff, he assisted in the  
23 execution by Japanese naval air forces of the first  
24

25 TT-18. a. T. 34734. b. T. 34752.  
TT-19. a. T. 34734.

1 trans-oceanic bombing, against China. He said that  
 2 the units took off from TAIWAN and SAISHU Islands and  
 3 attacked points in the Shanghai and Nanking areas.<sup>b.</sup>  
 4 He repeated that "The objective of the bombing was to  
 5 bring about a termination of the Incident as speedily  
 6 and as quickly as possible."<sup>c.</sup>

7 TT-20. SHIMADA admitted, further, on cross-  
 8 examination<sup>a.</sup> that in July 1937 while Vice Chief of  
 9 the Naval General Staff, he transmitted to Admiral  
 10 HASEGAWA orders to carry out the bombing of Nanking by  
 11 naval planes. He admitted further that this bombing may  
 12 have been "the first time in history that the capital  
 13 of any country had been subjected to bombing from the  
 14 air."<sup>b.</sup> The HASEGAWA bombings were specifically cited  
 15 in the opening statement for the prosecution by the  
 16 Chief of Counsel as instances of steps "in the bloody  
 17 aggression in China from 1937 to 1941."<sup>c.</sup> With regard  
 18 to the bombing of the USS Panay by a HASEGAWA Unit  
 19 on 17 December 1937, SHIMADA answered on cross-  
 20 examination that he had "no exact recollection, be-  
 21 cause at that time he was no longer Vice Chief of the  
 22 Naval General Staff." In answer to the question whether  
 23

24 TT-19. b. T. 34736. c. T. 34736.

25 TT-20. a. T. 34737.  
 b. T. 34737.  
 c. T. 466-7.

1 HASEGAWA was nevertheless still carrying out SHIMADA's  
 2 instructions, he said that he did not know about that. <sup>c.</sup>

3 TT-21. SHIMADA by his admission on cross-  
 4 examination <sup>a.</sup> is shown continuing three years later  
 5 his attacks against China. He admitted that on 10  
 6 October 1940, as Commander of the China Area Fleet,  
 7 he visited a naval air base and gave encouragement  
 8 to his fliers who had been bombing Chungking. When  
 9 asked whether the naval air unit had not on that date  
 10 made its forty-second bombing attack on Chungking he  
 11 said that the attack was not against the city itself,  
 12 but against important military activities there. <sup>b.</sup>

13 TT-22. SHIMADA on 15 September 1941, upon  
 14 his return from China reported to the Emperor on his  
 15 service during the preceding year and a half in  
 16 "blockading" the China Coast, in the "bombing of  
 17 Chungking and the hinterlands of China" by the "Navy  
 18 Eagles," and in "the occupation of French Indo-China." <sup>a.</sup>

19 TT-23. On the afternoon of the same day  
 20 SHIMADA gave an official press interview which he  
 21 called his "Report to all the people of the home  
 22 front." <sup>a.</sup> He declared that he had dealt a serious  
 23 blow to the Chungking regime by intensifying the blockade  
 24

25 TT-20. c. T. 34738.

TT-21. a. T. 34741. b. T. 34741.

TT-22. a. T. 34695.

TT-23. a. T. 38088.

1 and air operations against it, that his officers and  
2 men had sacrificed greatly for the "Holy War," and  
3 that they were "determined to annihilate the remnants  
4 of the foe." He declared that the Chungking Regime  
5 "is now practically on its last legs" under the  
6 Japanese attack, that the Nationalist (Nanking puppet)  
7 Government was growing stronger, and that "settlement  
8 of the China Incident has been making steady progress."

9 TT-24. SHIMADA then showed his belligerent  
10 attitude toward the United States and Great Britain  
11 by declaring that "the confrontation between the  
12 Chiang supporting powers and our nation has come to  
13 assume serious proportions suggestive of an aggra-  
14 vated tension in the international situation."<sup>a</sup>  
15 When on the witness stand his testimony and his  
16 emphatic manner of testifying, it is submitted, indi-  
17 cated strong feeling against the "Chiang supporting  
18 powers," namely, America and Britain.

19 TT-25. SHIMADA, in the two foregoing docu-  
20 ments, as introduced on cross-examination, reveals  
21 his true mind and intent. Those statements squarely  
22 contradict his present testimony that, in joining the  
23 TOJO Cabinet a month later, he favored settlement by  
24 TT-24. a. Ex. 3569, T. 38086-8.  
25

1 fair diplomatic compromise "rather than by the sword."<sup>a.</sup>  
2 They also contradict SHIMADA's testimony that it was  
3 the Hull note of November 26th (then two months away)  
4 which caused him to "step across the boundary line of  
5 peace,"<sup>b.</sup> and which he says drove Japan into war for  
6 self-defense, "against her wish and given no choice."<sup>c.</sup>  
7 The revelations of his true attitude toward China, and  
8 the record of his ten years of aggression against  
9 China, show that he had been stepping across the  
10 "boundary line of peace" for at least ten years prior  
11 to the Hull note of 26 November 1941.

12 THE PRESIDENT: We will recess for fifteen  
13 minutes.  
14

15 (Whereupon, at 1445, a recess was  
16 taken until 1505, after which the proceedings  
17 were resumed as follows:)  
18

19 TT-25. a. T. 34655.  
20 b. T. 34666.  
21 c. T. 34729.  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Captain Robinson.

4 CAPTAIN ROBINSON: May it please the Tribunal.

5 TT-26. The official and personal responsibility  
6 of SHIMADA as Vice Chief of the Naval General Staff  
7 in formulating policies against China was raised by  
8 his defense counsel on redirect examination. His  
9 counsel asked him whether he, SHIMADA, formulated the  
10 operational policies against China or whether that  
11 was done by someone else. SHIMADA answered that he  
12 acted merely under the orders of the Chief of the Naval  
13 General Staff,<sup>a</sup> whom he had described in his affidavit  
14 as "Prince FUSHIMI, the oldest and most highly respected  
15 of naval officers and a Prince of the Blood."<sup>b</sup> This  
16 answer, it is submitted by the prosecution, is an  
17 evasion which illustrates the following device as one  
18 of the devices by which SHIMADA, NAGANO, and ITO, and  
19 the rest of their group had taken over the control of  
20 the Japanese Navy for aggressive purposes.

21 TT-27. The prosecution has presented in  
22 evidence the history of the cabinets of Japan from  
23 1927 to 1945.<sup>a</sup> This history shows that on 2 February  
24

25 TT-26. a. T. 34,798

" b. T. 34,651

TT-27. a. Ex. 102, T. 685

1 1932, Prince FUSHIMI, Hiroyasu, succeeded Admiral  
2 TANIGUCHI as Chief of Naval General Staff and held  
3 that position for nine years until he was succeeded  
4 by Admiral NAGANO on 9 April 1941. The history shows  
5 likewise that Prince KOTOHITO (KANIN) was appointed  
6 Army Chief of Staff in December 1931, and that he  
7 held that position for nine years until he was succeeded  
8 by General SUGIYAMA in October 1940.

9 TT-28. It is to be observed that the  
10 appointment of FUSHIMI accompanied or immediately  
11 followed certain significant events, namely, the  
12 Shanghai Incident of January-March 1932, the Japanese  
13 Navy's bitter attacks upon the London Naval Limitation  
14 Treaty of 1930, and the assassination of Premier  
15 HAMAGUCHI and the purge of Admirals TAKARABE, YAMANASHI,  
16 and TANIGUCHI, because of their support of the London  
17 Treaty.<sup>a</sup> It is to be observed, likewise, that the  
18 appointment of Prince KANIN to be Army Chief of Staff  
19 immediately followed the Mukden Incident of 18 September  
20 1931.

21 TT-29. These circumstances surrounding the  
22 appointments and the later services of the Imperial  
23 princes as Chiefs of Staff, instead of supporting  
24

25 TT-28. a. Ex. 58, T. 9,179

1 SHIMADA's suggestion that he was merely carrying out  
2 the orders of Prince FUSHIMI, in fact are considered  
3 by the prosecution to be strong evidence of the general  
4 militarist conspiracy. SHIMADA and the rest of the  
5 Navy and Army militarists appear to have caused and  
6 to have later used these appointments of Imperial  
7 princes as Chiefs of Staff as a means of shielding  
8 the aggressive policies of the Army and Navy Staffs  
9 from effective control or criticism.

10 TT-30. The record indicates that it was the  
11 Vice Chiefs of Staff who were in actual operational  
12 control of the Army and Navy, and that the two princes  
13 were in due course replaced by the aggressive  
14 militarists, General SUGIYAMA and Admiral NAGANO, as  
15 the pro-war policy of the conspiracy moved from the  
16 stage of planning and preparation into the stage of  
17 initiating and waging aggressive wars.

18 TT-31. In this connection, the defendant  
19 KIDO testified that "the militarists' forcible  
20 machinations,"<sup>a.</sup> beginning with the "intense dissatis-  
21 faction in a section of the Navy" with the London Naval  
22 Treaty,<sup>b.</sup> started "a big transformation, which later  
23 overtook Japan, Eventually making her what she is now."

24 TT-31. a. T. 30,722  
25 " b. T. 30, 721

1 This transformation, KIDO testified, was signaled  
2 by incidents such as the March Incident of 1931,  
3 which was "a patent manifestation of defiance of the  
4 superior by the subordinate, a deplorable tendency  
5 in the fighting services, which proved to be the curse  
6 of this country, inviting the misery of today."<sup>c.</sup>  
7 KIDO says that he understood that "the Emperor cautioned  
8 the Ministers of the fighting services about the  
9 necessity for maintaining discipline strictly." The  
10 "fighting services" obviously grasped the advantages  
11 of having Imperial princes in the top operational  
12 positions as a plausible but deceptive device for  
13 evading Imperial "cautioning" and other possible  
14 disciplinary control. And the present instance in this  
15 trial of the defendant SHIMADA pointing to Prince  
16 FUSHIMI, now deceased, as responsible for SHIMADA's  
17 China policies and his bombing and blockading operations  
18 there is submitted to be merely another demonstration  
19 of that militarist device and technique.  
20

21 IV. CONSPIRACY AND OTHER JOINT CRIMINAL ACTS  
22 IN PLANNING AND PREPARATION FOR AGGRESSIVE WAR.

23 TT-32. Evidence presented by the prosecution  
24 and evidence presented by the defense has shown SHIMADA  
25 acting in close, complete and continuous cooperation

TT-31. c. T. 30,723

1 with the other Japanese naval leaders, particularly  
2 with such Admirals as NAGANO, YAMAMOTO, ITO and OKA,  
3 and with the dominant Army group, during the years  
4 from 1929, when SHIMADA attained flag rank as Rear  
5 Admiral, to 1945 when he retired. A summary has been  
6 made in paragraph TT-8 above, of the interlocking  
7 positions shared concurrently or successively by  
8 SHIMADA with NAGANO and other Admirals of this  
9 controlling group, particularly during the five crucial  
10 years of planning and preparation for aggressive wars,  
11 from 1932 to 1937, while SHIMADA was a leader in the  
12 Naval General Staff, and then during the five crucial  
13 years of initiating and waging aggressive wars, from  
14 1940 to 1945. These same command combinations appear  
15 throughout the evidence on Japanese naval aggression.  
16 SHIMADA's long and close personal and official association,  
17 for example, with the leader in the Pearl Harbor plan  
18 and other operations, Admiral YAMAMOTO, beginning  
19 as Naval Academy classmates, was indicated in testimony  
20 as Naval Academy classmates, was indicated in testimony  
21 by defense witness SAWAMOTO.<sup>a.</sup>

22 TT-33. Evidence has shown that Japanese  
23 naval preparation for aggressive war by the secret  
24 construction of combat vessels, especially aircraft  
25 TT-32. a. T. 34,608

carriers, reached a climax in and about the year  
 1937<sup>a.</sup> while SHIMADA, a strong advocate of naval  
 air power, was Vice Chief of Naval General Staff,  
 and NAGANO was Navy Minister. In aircraft carriers  
 in the Pacific Ocean areas on 7 December 1941, compar-  
 ative strength was shown to be as follows: Japan  
 10 carriers, United States 3 carriers.<sup>b.</sup> Moreover,  
 an operational history of these 10 Japanese carriers  
 showed them to be combat carriers assigned to fighting  
 fleets ranging the whole Pacific on and after Pearl  
 Harbor day for a total mileage of 330,000 nautical  
 miles before they were sunk or surrendered.<sup>c.</sup> Evidence  
 showing Japanese naval preparation for aggressive war  
 shows as a climax the "surprise" attack on Pearl Harbor  
 and other Pacific points in 1941, while SHIMADA was  
 Navy Minister and NAGANO was Chief of Naval General  
 Staff.<sup>d.</sup> Evidence shows the Japanese Navy fortifying  
 and building up naval bases in the Mandate Islands,  
 reaching a climax in 1940 and 1941, concurrently with  
 the making and the implementing of the Tri-Partite  
 Pact with Germany and Italy.<sup>e.</sup> Evidence, undisputed

TT-32. a. T. 9,251-4  
 " b. Ex. 3838-A, T. 38,098  
 " c. Ex. 3839, T. 38,110  
 " d. Ex. 1249, T. 11,166  
 " e. Ex. 3840, T. 38,115; 38,118; 38,122

by the defendants, shows that by consular espionage  
 at Pearl Harbor and elsewhere these defendants  
 violated diplomatic privileges and illegally obtained  
 information on United States naval strength preparatory  
 to surprise attack.<sup>f.</sup>

TT-34. SHIMADA had long standing naval  
 associations with Italy, especially as naval attache  
 there during World War I.<sup>a.</sup> He officially attended  
 the Privy Council meeting at which the Anti-Comintern  
 Pact was approved.<sup>b.</sup> He received a decoration awarded  
 for services in connection with that Pact,<sup>c.</sup> and his  
 policies for the Japanese Navy and his tributes to  
 the Axis indicated full cooperation.<sup>d.</sup>

TT-34. SHIMADA's participation as a naval  
 leader in fighting for Japanese domination of Greater  
 East Asia is indicated by his statement of 10 February  
 1942 that the Japanese "must be the leading power  
 throughout the whole area of Greater East Asia," and  
 that "any element which does not conform to the will  
 of the Japanese race must be eliminated completely."<sup>a.</sup>  
 His explanation of this statement in his defense, it is  
 submitted, does not weaken its significance as a

TT-33. f. Ex. 1249, T. 11,203

TT-34. a. Ex. 124, T. 778; Ex. 3565, T. 34,647

" b. T. 5,967

" c. T. 779

" d. T. 34,783; Ex. 3841, T. 38,126-31

TT-35. a. Ex. 2248, T. 16,183

statement of the policy of Japanese Domination which  
 he stated also at other times and which obviously  
 guided his actions.<sup>b.</sup>

TT-36. Evidence to show SHIMADA's accord  
 and cooperation with TOJO in favoring the Axis alliance  
 and Japanese domination of Greater East Asia is  
 presented in SHIMADA's acceptance of the Navy Ministry  
 in TOJO's cabinet on 18 October 1941,<sup>a.</sup> and in  
 SHIMADA's absolute cooperation with TOJO during TOJO's  
 entire term in promoting the militarist and expansionist  
 policies which TOJO had aggressively championed from  
 the beginning.<sup>b.</sup>

TT-37. Evidence has been presented to show  
 SHIMADA's participation with other Japanese Navy  
 and Army leaders in the plan to secure naval and  
 general domination of China, directly and through  
 establishing the Nanking Government, by waging aggressive  
 war against China. In addition to the evidence cited  
 in paragraphs TT-18 to TT-25 above, evidence has been  
 presented of awards made to him in 1934 "for meritorious  
 service in the incident of 1931-34," and again in 1940  
 for his "meritorious service in the China Incident."<sup>a.</sup>

TT-35. b. Ex. 3565, T. 34,672  
 TT-36. a. Ex. 124, T. 780  
 " b. Ex. 1157-1, T. 10,301  
 TT-37. a. Ex. 124, T. 779-80

No evidence in reply to the foregoing prosecution evidence appears to have been presented showing justification under law or treaty for the acts of SHIMADA and his co-conspirators against China.

TT-38. Evidence has been presented to show that while SHIMADA was occupying policy-making positions in the Naval General Staff, his colleagues, NAGANO and YAMAMOTO, at the London Naval Conference were pushing the official Japanese naval policy of removing treaty limitations on naval construction, particularly on aircraft carriers.<sup>a.</sup> The position of the prosecution is that SHIMADA, NAGANO, YAMAMOTO and their militarist association were taking that action and related action as indicated elsewhere in this summation, as part of their plans and preparations leading to diplomatic and armed aggression against the United States and other Pacific nations. These acts and related acts were presented in evidence principally by Admiral Richardson.<sup>b.</sup>

#### V. INITIATING AGGRESSIVE WAR.

TT-39. Evidence has been presented to show that SHIMADA and others on or about 7 December 1941

TT-38. a. Ex. 1250, T. 11,179; Ex. 58, T. 9,197;  
Ex. 1251-A, T. 11,181; Ex. 58, T. 9,217  
b. Ex. 1249, T. 11,238; T. 11,166-300

initiated a war of aggression against the United States, the Philippines, the British Commonwealth and Thailand. This evidence is specified and cited in following paragraphs.

TT-40. Evidence has been presented to show that SHIMADA, TOJO, MUTO, NAGANO, OKA and others, between June 1940 and 8 December 1941, planned and conspired to initiate hostilities and did initiate hostilities in time of peace, in intentional or reckless violation of Hague Convention III and of other treaties, against America, Britain, the Philippines, Netherlands and Thailand, by ordering and permitting Japanese naval forces to attack the territories, ships and airplanes of those countries, and that SHIMADA and the other defendants thereby killed and murdered such nationals of those countries as were then present in the places so attacked. This evidence is specified and cited in following paragraphs.

TT-41. Evidence has been presented to show that SHIMADA, TOJO, NAGANO, MUTO, OKA and others, on 7 December 1941, at Pearl Harbor, Territory of Hawaii, killed and murdered 2342 naval and military personnel of the United States, including Admiral Kidd, and 54 civilians, <sup>a.</sup> by ordering, <sup>b.</sup> causing and

TT-41. a. T. 11,235 b. Ex. 1252, T. 11,196

1 permitting Japanese naval air forces to attack the  
2 territory, ships and planes of the United States at  
3 a time when Japan was at peace with the United States.  
4 This evidence and related evidence presents similar  
5 attacks against the British Commonwealth of Nations  
6 and the Philippines.

7 TT-42. The prosecution evidence further  
8 shows that the first and only notification of a  
9 declaration of war or commencement of hostilities  
10 which was received by the United States Government  
11 from the Japanese Government was received on 10  
12 December 1941, more than sixty-six hours after the  
13 first torpedoes and bombs from the Japanese carrier  
14 planes struck Pearl Harbor.<sup>a</sup> The uncontradicted  
15 prosecution evidence was that when the Japanese air  
16 forces commenced hostilities on 7 December 1941 at  
17 Pearl Harbor, the Japanese Government had not delivered  
18 to the United States Government, as required by Hague  
19 Convention III of 1907, to which both the United States  
20 and Japan were parties, a "previous and explicit  
21 warning, in the form either of a reasoned declaration  
22 of war or of an ultimatum with conditional declaration  
23 of war." It is therefore the position of the prosecution  
24 that Japan and the United States were at peace when  
25

TT-42. a. T. 11,236-7

1 Japan made the Pearl Harbor attack and that the  
2 attack at Pearl Harbor was a criminal violation  
3 of that peace.  
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1 TT-43. No defense evidence has been presented  
2 in contradiction or even in substantial denial or correc-  
3 tion of the prosecution evidence that the attack was  
4 made by Japanese naval air forces as described in detail  
5 by that evidence, and that the victims were killed as  
6 stated. Therefore, on this issue of initiating aggres-  
7 sive war, the issue is narrowed to establishing the  
8 nature and the legal sufficiency of defense not based  
9 on these undisputed facts.

10 VI. RESPONSIBILITY AND DEFENSE.

11 TT-44. A defense presented by SHIMADA has been  
12 that he did not issue the operational orders for the  
13 Pearl Harbor attack, since he was Navy Minister and  
14 since operational matters were not in his hands but  
15 were the responsibility of the Chief of the Naval Gen-  
16 eral Staff, Admiral NAGANO, a former defendant, now  
17 deceased. In reply to this defense, the prosecution  
18 calls attention to defense exhibit 2982 (T. 26,430) which  
19 is a copy of the "Rules governing business contact be-  
20 tween Naval Ministry and Naval General Staff (excerpt)  
21 (Nai-Rei No. 294, October 1, 1933)." These rules show  
22 the interrelation of the duties of the Navy Minister  
23 and of the Chief of Naval General Staff. Article 4  
24 reads as follows: "As for the following matters, the  
25 Chief of the Naval General Staff will make a draft,

1 conduct negotiations with the Minister of the Navy, seek  
2 the Imperial sanction, and then transmit them to related  
3 Imperial armed forces as well as notifying the Minister  
4 of the Navy. In case the Minister of the Navy sees some  
5 necessity regarding the despatch of naval forces, he  
6 will propose negotiations with the Chief of the Naval  
7 General Staff in that connection.

8 "a. The strategical despatch of armed forces,  
9 and the duties and movements thereof.

10 "b. The tactical and strategical duties and  
11 movements of fleets.

12 "c. The despatch of armed forces for protec-  
13 tive purposes overseas, and the strategical and tactical  
14 duties and movements thereof."

15 Article 10 reads as follows: "As for the various im-  
16 portant establishment (sic) relating to the strengthen-  
17 ing of naval armament, to the preparation for war, and  
18 to the national defense and to the use of armed forces,  
19 the Chief of the Naval General Staff will conduct  
20 negotiations with the Minister of the Navy."

21  
22 TT-45. The position of the prosecution is that  
23 the defendant SHIMADA, under the foregoing Rules and the  
24 Navy practice, either (1) joined with Admiral NAGANO and  
25 Admiral YAMAMOTO and others in the acts stated in the  
Indictment, namely, "ordering" or "causing" the despatch

1 of armed forces and the movements of fleets, in time of  
2 peace and without compliance with Hague Convention III  
3 and in disobedience of the Emperor's orders that no  
4 attack be made before notification of war be given the  
5 United States; or in the alternative, (2) that the  
6 defendant SHIMADA intentionally or recklessly failed to  
7 perform his duties as stated in the foregoing rules,  
8 and thereby "permitted" the Japanese naval air forces  
9 to attack at Pearl Harbor in time of peace and without  
10 the required notification. In either event, the position  
11 of the prosecution is that SHIMADA and his responsible  
12 associates did not acquire the rights of lawful bellig-  
13 erents in ordering, causing or permitting the attack,  
14 and that the resulting killings of human beings therefore  
15 were not justifiable as lawful belligerency; and in  
16 fact that they violated not only Hague III, but also the  
17 Hague IV requirements "to conduct their operations in  
18 accordance with the laws and customs of war," and not  
19 "to kill or wound treacherously individuals belonging  
20 to the enemy nation or army."

22 TT-46. With regard to the attack against  
23 British territory at Kota Bahru, the defendant admitted  
24 that there was no notification and not even attempted or  
25 pretended steps toward meeting the notification require-  
a. ments, with respect specifically to Great Britain.

(TT-46. a. T. 3472C.)

1 TT-47. The defendant SHIMADA asserted and re-  
 2 asserted the defense that the notification to the United  
 3 States was left to the defendant TOGO as Foreign Minister  
 4 and that SHIMADA believed that TOGO would make a timely  
 5 and legally adequate notification.<sup>a.</sup> In reply to this  
 6 defense, SHIMADA was cross-examined with a view to  
 7 showing that SHIMADA in fact knew and intended that the  
 8 notification would be neither timely nor adequate. The  
 9 prosecution on cross-examination asked SHIMADA whether  
 10 the Japanese note as delivered to Secretary Hull was not  
 11 "merely a statement that there was no use to carry on  
 12 negotiations further," and whether the note did not fail  
 13 to comply with each and all of the five requirements of  
 14 the treaty, namely, "(1) previous and (2) explicit (3)  
 15 warning, in the form either of a (4) reasoned (5)  
 16 declaration of war or of an (4) ultimatum (5) with  
 17 conditional declaration of war."<sup>b.</sup> (Numbers inserted.)  
 18 SHIMADA answered that the note "fully expressed" Japa-  
 19 nese intentions.  
 20

21 TT-48. SHIMADA then repeated the contentions  
 22 that the Hull note of November 26, 1941, was an "ulti-  
 23 matum," and that the United States was "attacking" Japan<sup>a.</sup>  
 24 by "economic strangulation" or "military encirclement."  
 25

(TT-47. a. T. 34673.

b. T. 34727-29.

TT-48. a. Ex. 3566, T. 34665; cross T. 34729.)

1 As an example of an actual, legally competent ultimatum,  
2 the prosecution on cross-examination called the atten-  
3 tion of defense witness SHIBA<sup>b.</sup> and of the defendant  
4 SHIMADA<sup>c.</sup> to the ultimatum which Japan delivered to  
5 Germany before commencing hostilities against Germany  
6 at Tsingtao in August, 1914. SHIBA said that con-  
7 sideration of that ultimatum "did not occur" to him in  
8 the drafting which he was doing, under the defendant  
9 OKA, on the "notification" note to Washington in  
10 December, 1941. SHIMADA was asked on cross-examination  
11 whether his naval blockade of China in 1940 was not  
12 intended to "starve the Chinese people into submission"  
13 and was "an actual case of economic strangulation." His  
14 answers were in the negative.<sup>d.</sup> SHIMADA replied,  
15 further, that it was "economic strangulation" by the  
16 United States to refuse "to provide millions of tons of  
17 oil to the Japanese Navy."<sup>e.</sup> He was then asked whether  
18 when he voted for war he considered it just grounds  
19 for attacking the United States in self-defense that the  
20 United States failed "to supply Japan with enough oil  
21 to feed the planes and ships which would be used and  
22 were used later to destroy American lives at Pearl  
23 Harbor." He then answered that the question of oil was  
24

25 (TT-48. b. T. 33330.  
c. T. 34731.  
d. T. 34740, 34798.  
e. T. 34755.)

1 only an "indirect" reason or cause for the attack.<sup>f.</sup>  
2 He further answered that he "emphasized the necessity"  
3 and the "Navy had a big voice" in inserting in the  
4 Japanese note of November 20 the words "The Government  
5 of the United States shall supply Japan a required  
6 quantity of oil."<sup>g.</sup> Prosecution evidence was presented  
7 to show that SHIMADA, NAGANO, YAMAMOTO, ITO, OKA and  
8 other responsible officials deliberately and intention-  
9 ally planned and executed the Japanese attack as a  
10 surprise attack without notification to the United  
11 States because such notification would have endangered  
12 the success of the attack.<sup>h.</sup> In the words of Admiral  
13 Richardson, answering a defense question on cross-  
14 examination, the Japanese Pearl Harbor attack plan was  
15 "quite normal in the case of Japan, wholly abnormal in  
16 the case of the United States, because its success de-  
17 pended upon surprise."<sup>i.</sup>  
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25 (TT-48. f. T. 34755-6.  
g. T. 34759; Ex. 1245-H, T. 10811.  
h. T. 11186-7, 11235-6.  
i. T. 11291.)

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1 TT-49. The defendant TOGO and the defense  
 2 witness YAMAMOTO testified that Admiral ITO, Vice  
 3 Chief of Naval General Staff, and Admiral NAGANO had  
 4 in fact asked TOGO not to notify the United States  
 5 Government before the attack, on the ground that such  
 6 notification would endanger the success of the attack.  
 7 TOGO further testified<sup>a.</sup> that here at the court  
 8 building in May 1946, "SHIMADA expressed the desire  
 9 that I would not say anything about the fact that  
 10 the Navy desired to carry out the surprise attack.  
 11 He also said something in the nature of a threat,  
 12 saying that if I said so, it would not be worth my  
 13 while. NAGANO then, at that time, told me that  
 14 'even if I might have said so, the Foreign Minister  
 15 (TOGO) need not adopt my proposition,' to which I  
 16 explained to NAGANO that the situation was not so."  
 17 SHIMADA, upon being recalled at his request, testi-  
 18 fied<sup>b.</sup> that he and NAGANO did have a conversation  
 19 with TOGO in regard to the matter, but that no threat  
 20 had been made.<sup>c.</sup> SHIMADA said in effect that TOGO is  
 21 deliberately lying about the threat, as a "diplomatic  
 22 maneuver . . . of running away behind a smoke screen,"  
 23 as an escape from his, TOGO's "sense of guilt" due  
 24

25 TT-49.

a. T. 35, 838.

c. T. 37031.

b. T. 37,025-46.

to failure to get the note delivered before the  
1 attack. The legal inadequacy and deceptive pretense  
2 of the note and therefore its immateriality, whether  
3 delivered at the intended time or not, was put to  
4 SHIMADA in cross-examination, as stated in the two  
5 preceding paragraphs. TOGO testified that "There  
6 were other occasions. . . in which the Navy side  
7 requested me not to speak of the Navy's desire for  
8 conducting a surprise attack."<sup>d</sup>. When asked on  
9 cross-examination whether he had made any further  
10 threat to TOGO, SHIMADA answered, "Not I, myself."<sup>e</sup>.  
11 The "other occasions" referred to by TOGO have not  
12 been developed in evidence. SHIMADA on the witness  
13 stand expressed strong indignation that the "honor  
14 of the Navy" should be assailed by such a charge that  
15 an attack without notice was desired. It is diffi-  
16 cult to support SHIMADA's assurance that Admiral ITO,  
17 now dead, did not approach TOGO repeatedly, as TOGO  
18 says, urging that no notice be given. It is also  
19 difficult to understand how SHIMADA can be so sensi-  
20 tive about the honor of the Navy in view of his  
21 failure to protect the Navy's honor from charges  
22 and protests of atrocities. His testimony of complete  
23  
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TT-49.

d. T. 35839.

e. T. 37046.

1 ignorance about either the atrocities or the protests  
2 is a confession, it is submitted, of his disregard  
3 for the honor of the Navy, either by failing to  
4 investigate and prevent such atrocities or by con-  
5 tributing directly to their commission. This subject  
6 of atrocities and SHIMADA's responsibility for them  
7 will now be considered.

8 VII. WAGING AGGRESSIVE WAR.

9 TT-50. The prosecution has presented  
10 evidence to show that SHIMADA and other defendants,  
11 between 7 December 1941 and 2 September 1945, ordered,  
12 authorized and permitted Japanese naval commanders  
13 and others in charge of Allied prisoners of war and  
14 civilians in the power of Japan to commit frequently  
15 and habitually against such persons violations of the  
16 laws of war. The prosecution has presented to this  
17 Tribunal evidence that Japanese naval and military  
18 personnel on Pacific Islands and on submarines and  
19 other Japanese naval vessels at sea in the Pacific  
20 and Indian Oceans, during the war years 1941 to 1945,  
21 murdered hundreds of American, British, Dutch, Chinese,  
22 Filipino, French and other Allied prisoners of war  
23 and civilians held by Japanese naval forces and, there-  
24 fore, by the Japanese Government, in violation of the  
25 Fourth Hague Convention and other international laws.

TT-51. The prosecution has produced in  
1 this courtroom survivors of these massacres and other  
2 eye witnesses who have described these murders. The  
3 witness MacDougall<sup>a</sup>. testified to his escape during  
4 the killing of seventy-five Americans by the crew of  
5 a Japanese submarine after it had torpedoed their  
6 ship, the American Liberty ship Nicolet, in the  
7 Indian Ocean on 2 July 1944. The prosecution then  
8 produced the witness NAKAHARA, who testified that  
9 the submarine which sank the Nicolet and massacred  
10 the crew was the I-8, commanded by Commander ARIIZUMI,  
11 also known as the "Gangster" to his crew, and as the  
12 "Butcher" to his surviving victims and to Indian  
13 Ocean seafaring men, according to the evidence in  
14 this case.<sup>b</sup>

16 TT-52. The witness further testified that  
17 ARIIZUMI stated to him and to others in his presence  
18 that it was the orders of the Japanese Naval General  
19 Staff that survivors be killed. It will be recalled  
20 that the defendant SHIMADA, who was Chief of the  
21 Naval General Staff and Navy Minister during the  
22 period when these submarine atrocities were occurring,  
23 stated on cross-examination that he had no knowledge  
24

25 TT-51.

a. T. 15109.

b. T. 38131.

1 of the atrocities or protests and that he did not  
2 believe that they had occurred because, he said,  
3 the Japanese Navy always obeyed international law.<sup>a.</sup>

4 TT-53. The witness NAKAHARA, whom the  
5 Naval General Staff had sent to the I-8 upon  
6 ARIIZUMI's request for a civilian radio monitor,  
7 testified further that he was the interpreter for  
8 ARIIZUMI in questioning those who had so far survived  
9 the sinking of the Nicolet. The witness stated that  
10 he was never questioned by the Naval General Staff,  
11 and that he did not hear that anyone else was question-  
12 ed regarding the operations of the I-8.

13 TT-54. The prosecution has presented the  
14 many protests on the Nicolet massacre which the  
15 United States Government forwarded to the Japanese  
16 Government between 29 December 1944 and 15 May 1945.  
17 On that latter date a reply finally was forwarded.  
18 That reply from the Japanese Foreign Office was in  
19 part as follows: "The earnest investigations made by  
20 the competent authorities have not found any fact  
21 which corresponds to such an accident. The Imperial  
22 Government, informing the American Government of the  
23 foregoing facts, avails itself of this opportunity  
24

25 TT-52.

a. T. 34774-5.

1 to affirm again that all Japanese warships, ships  
2 and boats rigorously observe the laws of war."<sup>a</sup>.

3 TT-55. A similar reply to a British protest<sup>a</sup>.  
4 was placed in evidence.<sup>b</sup> It was declared unaccept-  
5 able by the British Government.<sup>c</sup> The British note  
6 quotes in part the Japanese submarine order of  
7 20 March 1943 for the destruction of survivors, and  
8 continues as follows: "This order makes it clear  
9 beyond any possibility of doubt that the inhuman  
10 practices described in H. M. Government's protest  
11 are officially sanctioned and prescribed by high  
12 authorities of Japanese Navy." The protest then pro-  
13 ceeded to demand that "strictest disciplinary measures  
14 by taken against both individual commanders responsible  
15 and naval authorities who prescribed these actions."  
16

17 TT-56. Commander ARIIZUMI, in the meantime,  
18 and perhaps other commanders of the submarines engaged  
19 in these atrocities had been promoted and was now a  
20 captain in the Japanese Navy. No evidence has been  
21 discovered of any disciplinary action taken against  
22 any Japanese naval commander for murders and other  
23 atrocities committed by him and his subordinates against  
24 Allied prisoners or civilian internees.

25 TT-54.

a. T. 15,105.

TT-55.

a. T. 15153.

b. T. 15177.

c. T. 15179.

1 TT-57. In exhibit 2057, T. 15042, the  
2 director of war crimes prosecutions, Pacific Ocean  
3 Areas, Captain (now Rear Admiral) Murphy, reports on  
4 the basis of his experience in investigating and  
5 prosecuting many war crimes cases on the Pacific  
6 islands, as follows: "The pattern of the policy of  
7 the Japanese Government seemed to be to require and  
8 permit local military commanders to unlawfully kill  
9 on the spot all prisoners of war, except certain ones  
10 wanted for questioning by higher authority or other  
11 specific purposes unknown." In this report are  
12 listed many war crimes prosecutions by the American  
13 authorities for murders committed by Japanese com-  
14 manders, including Admiral ABE on Kwajalein and  
15 Admiral SAKAIBARA on Wake Island.<sup>a.</sup>

16 TT-58. Evidence has been presented that  
17 Admiral ABE, on his trial for murdering nine American  
18 Marine fliers who were prisoners of war on Kwajalein,  
19 on 16 October 1942, in his written statement said,  
20 "Because the Japanese military forces are directed to  
21 be in strict order, by the rigorous command which  
22 originates in the supreme prerogative of command of  
23 his Majesty the Emperor and penetrates from the Emperor  
24 on the top down to a private at the bottom, the  
25

TT-57.

a. Ex. 2057, T. 15042.

primary and supreme duty of a military man is  
1 absolute submission to an order . . . As for the  
2 nine American prisoners concerned in this case. . .  
3 I tried in every way to send them to Japan as soon  
4 as possible. However, a directive was issued to  
5 me from the Highest Naval Central Headquarters to  
6 dispose of them on my island, and I had nothing to  
7 do but obey it without question. . . From the  
8 Japanese point of view. . . there is absolutely no  
9 doubt I am completely responsible for the acts  
10 which Captain OBARA and Lieutenant Commander NAIKI  
11 did pursuant to my order and Captain OBARA and  
12 Lieutenant Commander NAIKI are free from any re-  
13 sponsibility. By the same token, the Highest Naval  
14 Central Headquarters is completely responsible for  
15 the acts which I and the other two did pursuant to  
16 its directive, and I and the other two are free  
17 from any responsibility."<sup>a</sup> The executions were  
18 reported to 4th Fleet Headquarters at Truk.<sup>b</sup>

20 TT-59. The witness Marine Sergeant Stewart  
21 testified<sup>a</sup> to mistreatment of American prisoners of  
22 war and civilians on Wake Island where 96 civilians,  
23

24 TT-58.

a. T. 15030.

b. Ex. 2057, T. 15042.

25 TT-59.

a. T. 14911-67; Ex. 2034, T. 14934-7.

including Dr. Lawton Shank and air field construction workmen,<sup>b.</sup> were kept on Wake from its capture on 23 December 1941 until 7 October 1943, when they were shot to death by order of the Island Commander, who was Captain, later promoted to Rear Admiral, SAKAIBARA.<sup>c.</sup> The prosecution produced fourteen protests and inquiries from the United States Government regarding these civilians.<sup>d.</sup> SHIMADA and other Japanese defendants in the Navy and Foreign Office disregarded these protests. Admiral SAKAIBARA reported the executions to the Navy Ministry, Bureau of Military Affairs.<sup>e.</sup>

TT-60. Evidence was presented also of the executions of Allied fliers on Chichi Jima, Bonin Islands, from August 1944 through March 1945, by Japanese Army and Navy officers, some of whom confessed to cannibalism following the executions.<sup>a.</sup> Executions were reported to higher naval authority.

TT-61. The witness Marine Sergeant Bogue

TT-59.

b. T. 14917; 14926.	Ex. 2048, T. 15012.
c. T. 15046.	Ex. 2049, T. 15012.
d. Ex. 2039, T. 15001.	Ex. 2050, T. 15012.
Ex. 2041, T. 15003.	Ex. 2051, T. 15013.
Ex. 2042, T. 15007.	Ex. 2052, T. 15014.
Ex. 2043, T. 15008.	Ex. 2053, T. 15016.
Ex. 2044, T. 15008.	e. Ex. 2057, T. 15042.
Ex. 2045, T. 15009.	
Ex. 2046, T. 15010.	TT-60.
Ex. 2047, T. 15011.	a. Ex. 2057, T. 15042.

1 testified to the massacre of 141 American prisoners  
2 of war on Palawan Island, on 14 December 1944, by  
3 Japanese army and navy personnel by burning,  
4 bayoneting, clubbing and shooting. Knowledge or  
5 authorization of the killings on the part of higher  
6 Japanese governmental or military authority was  
7 indicated.<sup>a.</sup>

8 TT-62. The prosecution has presented in  
9 other parts of this summation evidence of many other  
10 atrocities which the defendant SHIMADA is chargeable  
11 with having ordered, authorized and permitted.

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25 TT-61.

a. T. 15204.

TT-63. The prosecution has presented evidence to show that SHIMADA, between 7 December 1941 and 2 September 1945, while Navy Minister and Minister of State, and Chief of Naval General Staff, and therefore responsible for securing the observance of treaties and laws of war for the protection of the lives and rights of Allied armed forces personnel, and of Allied prisoners of war and civilians then in the power of Japan, deliberately and recklessly disregarded his legal duty to take adequate steps to secure such observance and thereby violated the laws of war. Evidence summarized above under TT-50 and following paragraphs is subject to consideration also under this paragraph. SHIMADA as Navy Minister and also as Chief of the Naval General Staff, and particularly as the Minister of State charged with Cabinet responsibility under the Constitution, is chargeable with special responsibilities in naval matters under Article 4 of Hague Convention IV of 1907, which provides as follows: "Prisoners of war are in the power of the hostile government, but not of the individuals or corps who capture them." In his testimony both on direct examination and on cross-examination, SHIMADA insisted that prisoners of war were not a responsibility of Naval Headquarters because they were required to be delivered to the army

1 authorities as soon as such delivery could be arranged,  
2 and furthermore, even during the short time that they  
3 were supposed to be kept in naval custody, they were  
4 the responsibility of the local naval commanders of  
5 the fleets or shore installations where they were held.  
6 The prosecution, however, has presented evidence with  
7 the view that SHIMADA, under the treaty as quoted, and  
8 as set out in the indictment, Appendix D, page (1),  
9 was responsible as the navy's representative in the  
10 Japanese Government for the treaty protection of priso-  
11 ners and internees while held by naval commanders or  
12 other authorities. The widespread policy of mass murder  
13 and other mistreatment of prisoners of war and of civil-  
14 ians, as described in evidence, is directly chargeable,  
15 therefore, to the defendant SHIMADA.

16 TT-64. The prosecution presented evidence  
17 showing attacks by Japanese naval personnel on hospital  
18 ships in violation of treaties. The Netherlands hos-  
19 pital ship OPTEN NOORT was attacked and then captured  
20 by Japanese naval forces, and protests directed to  
21 Prime Minister TOJO, to Foreign Minister TOGO and to  
22 Navy Minister SHIMADA were not honored.<sup>a.</sup> Evidence  
23 of two attacks on the United States Navy's hospital  
24 ship COMFORT showed that the attacks occurred on 24  
25

TT-64. a. Exhibits 2065-2075, T. 15,065-86

October 1944 and 28 April 1945. It appears that the  
1 defendant SHIMADA, although he had ceased to be Navy  
2 Minister and Chief of Naval General Staff before those  
3 dates, would be chargeable with these attacks to the  
4 extent that they were a continuation of policies and  
5 practices which were traceable to the period of his  
6 official responsibilities. b.

7 TT-65. The evidence against the defendant  
8 SHIMADA, with respect to his illegal use of sea power  
9 and air power, marks him as the personification of the  
10 "irresponsible militarism" which is denounced by the  
11 Potsdam Declaration in demanding that "stern justice  
12 shall be meted out to all war criminals including those  
13 who have visited cruelties upon our prisoners." The  
14 positions he has held and the acts for which he is  
15 responsible are a record of militaristic aggression,  
16 beginning in China, continuing through the Pearl Harbor  
17 attack, and through many other "incidents" of blood and  
18 terror, such as the Indian Ocean submarine atrocities  
19 of 1944.  
20

21 TT-66. The evidence indicates that he assist-  
22 ed in preparing and executing the first transoceanic  
23 bombing attack, against China, launched in 1937 from  
24

25 TT-64. b. Exhibits 2058-2064, T. 15,049-62

Japanese territory and crossing China seas to targets  
in Shanghai and Nanking areas.<sup>a.</sup> Also, in 1937, he

appeared as a leader in what was perhaps the first  
bombing attack made by naval air power against a na-  
tion's capital, when he directed the Japanese planes  
against Nanking.<sup>b.</sup>

In 1940 he was directing air  
attacks on Chungking -- attacks so numerous and so  
severe that they formed the basis for inferences that  
he intended to reduce that capital city to dust and

rubble.<sup>c.</sup> In 1941 came the Pearl Harbor attack by  
aircraft carriers, with SHIMADA, Navy Minister, partici-  
pating as shown by the evidence, and demonstrating that  
a new era in sea power and air power had arrived.

Whether these new forces and new perils are to be con-  
trolled by international law and treaties for the pro-  
tection of law-abiding and democratic peoples against  
totalitarian aggression and international gangsterism  
is the issue in this case. The decision of this issue  
with respect to SHIMADA will go far toward determining  
whether, in the words of the Potsdam Declaration,  
"irresponsible militarism is driven from the world,"  
particularly from the seas and the skies of the world,  
and "a new order of peace, security and justice" is es-  
tablished in its place.<sup>d.</sup>

TT-66. a. T. 34,735

c. T. 34,740; 34,695

b. T. 34,737

d. Ex. 2, T. 105; 109; 140

(The following paragraphs, not read,  
are as follows:)

VIII. CONCLUSION

TT-67. There is presented herewith an annex  
which indicates the counts of the indictment against  
SHIMADA. Opposite the counts are presented the numbers  
of the paragraphs of this summation which deal with  
the evidence offered to substantiate each count,  
respectively. In conclusion, it is submitted that the  
evidence fully establishes the guilt of the defendant  
SHIMADA as charged in the specified counts of the  
Indictment.

ANNEX

<u>Counts</u>	<u>Paragraphs</u>
1-5	All
6-17	5-8, 10, 26-30, 31-33, 35, 38
20-22, 24	5-11, 24, 26-28, 30, 31, 33, 39, 40, 42-49.
27-32, 34	5-8, 12-28, 30, 32, 37, 39, 65, 66.
37-43	5-8, 11-17, 20-23, 40, 41, 50-55, 57-66.
54	5-8, 11-13, 15-17, 20, 21, 50-66.
55	5-8, 11-17, 20, 21, 50-66.

Mr. Sandusky will continue for the prosecu-  
tion, if the Court please.

1 THE PRESIDENT: We adjourn until Monday  
2 morning at 9:30.

3 (Whereupon, at 1550, an adjourn-  
4 ment was taken until Monday, 1 March 1948 at  
5 0930.)  
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41,710

1 THE PRESIDENT: We adjourn until Monday  
2 morning at 9:30.

3 (Whereupon, at 1550, an adjourn-  
4 ment was taken until Monday, 1 March 1943 at  
5 0930.)  
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41,710

THE PRESIDENT: We adjourn until Monday

1 morning at 9:30.

2 (Whereupon, at 1550, an adjourn-  
3 ment was taken until Monday, 1 March 1948 at  
4 0930.)  
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